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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
BOARD MEETING

CITY OF EL CENTRO
CITY COUNCIL CHAMBERS
1275 MAIN STREET
EL CENTRO, CALIFORNIA

TUESDAY, MARCH 12, 2002

9:44 A.M.

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

BOARD MEMBERS PRESENT:

JOSE MEDINA, ACTING CHAIRMAN
STEVEN R. JONES
DAVID A. ROBERTI

STAFF PRESENT:

MARK LEARY, Executive Director
KATHRYN TOBIAS, Chief Legal Counsel
DEBORAH MCKEE, Board Assistant
YVONNE VILLA, Board Secretary
EDNA WALZ, Office of Attorney General

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1 P R O C E E D I N G S

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3 ACTING BOARD CHAIRMAN MEDINA: Good morning,
4 this meeting is called to order. And welcome to our
5 March, 2002 meeting of the California Integrated Waste
6 Management Board.

7 If we can have roll call at this time?

8 BOARD SECRETARY VILLA: Eaton?

9 (Not present.)

10 BOARD SECRETARY VILLA: Jones?

11 BOARD MEMBER JONES: Here.

12 BOARD SECRETARY VILLA: Medina?

13 ACTING BOARD CHAIRMAN MEDINA: Present.

14 BOARD SECRETARY VILLA: Paparian?

15 (Not present.)

16 BOARD SECRETARY VILLA: Roberti?

17 BOARD MEMBER ROBERTI: Here.

18 BOARD SECRETARY VILLA: Moulton-Patterson?

19 (Not present.)

20 ACTING BOARD CHAIRMAN MEDINA: Thank you.

21 Three of our Board members are not able to be with us
22 today. Our chair, Linda Moulton-Patterson, had a family
23 emergency. Board member Eaton is ill. And our Board
24 member Michael Paparian is in Washington, D.C. attending
25 a national electronics product stewardship on behalf of

1 this Board, and he will be with us tomorrow at which
2 time we will have a quorum.

3 So at this time if you would stand, please, for
4 the Pledge of Allegiance.

5 (Thereupon the Pledge of Allegiance was
6 performed.)

7 ACTING BOARD CHAIRMAN MEDINA: And we're happy
8 to have with us today the mayor of the City of El
9 Centro, Mr. Larry Grogan.

10 MR. GROGAN: Thank you.

11 ACTING BOARD CHAIRMAN MEDINA: And Mayor, we're
12 glad to have you here with us today, glad we could be in
13 your fine city.

14 MR. GROGAN: Thank you, it's my privilege and
15 honor to welcome -- is that me? I don't think so --
16 the members of the California Integrated Waste
17 Management Board and their staff to the Imperial Valley
18 and to the City of El Centro.

19 I'd like to extend my thanks to the Imperial
20 Valley Waste Management Task Force for hosting the
21 event. It's timely and will serve as a useful forum for
22 all of us to share our ideas and to learn from each
23 other's experience in resource conservation.

24 For those of you that are new from the Imperial
25 Valley, and El Centro in particular, I wish I could have

1 shared my map with you that I was given by a former
2 councilman, a former mayor. Unfortunately, when I
3 opened it up there was nothing more than a blank sheet
4 of paper. I asked, "Well, what good is this? How do I
5 find my way with something like this?"

6 And he said, "Don't worry. At every decision
7 point in the city, be it a crossroad or a fork in the
8 road, someone will tell you where to go."

9 So I can assure you if you get lost anywhere in
10 town here, someone will show up and tell you where to
11 go.

12 As the mayor of El Centro my theme has been
13 responsibility to the future. This is a vital principle
14 of the Imperial County, and moves forward in creating a
15 sustainable environment in nearly 5,000 square miles it
16 occupies in Southern California.

17 The seven incorporated cities and the smaller
18 incorporated towns as well as the County of Imperial
19 works close in partnership with the task force to create
20 an area that promotes and encourages positive recycling
21 and environmentally conscious business.

22 We are proud of our community and its
23 accomplishments. Imperial Valley ranks as one of the
24 top ten agricultural counties in this nation, its
25 agricultural industry has annual crops production of

1 over one billion dollars, and accounts for 48 percent of
2 our employment.

3 Our best crops are tomatoes, sugar beets,
4 melons, lettuce, alfalfa, and other hay crops. Despite
5 that, we still have an unemployment rate in Imperial
6 County that is 26.3 percent, with an average income of
7 \$14,800.

8 Housing is affordable in the valley, with a
9 median price of homes of about \$125,000 for a single
10 family residence.

11 We are home to the colleges of Imperial Valley
12 College and San Diego State University, Calexico
13 campus.

14 Our tourist industries, they come to the valley
15 to watch birds, circle the rocks, ride off-road vehicles
16 in the dunes, and enjoy the winter climate.

17 The Colorado River offers more than a hundred
18 miles of navigable water for boating and fishing. There
19 are hundreds of miles of sand and off-road trails as
20 well to explore.

21 The Navy's Blue Angels are welcome guests to
22 Imperial County every winter. The Blue Angels pilots
23 are sent to the naval air facility at El Centro to
24 practice and prepare for the summer air show season.
25 This past weekend the Blue Angels performed a free show

1 for the public at the naval air facility.

2 As a side note, every Navy pilot that graduates
3 from aviation school comes to El Centro to train. So
4 every pilot in the Navy has been to El Centro for
5 training.

6 There are a hundred and ten, 101 golf courses
7 within a hundred miles, and five golf courses within
8 twenty minutes.

9 Imperial County's climate is warm and dry with
10 sunshine reported in other areas of the United States.
11 With air conditioned homes and businesses people find it
12 pleasant year-round. The average daily temperature in
13 July is a balmy 106, and the low a chilly 77 degrees.
14 The annual rainfall is three inches per year, in some
15 years.

16 As you discuss your ideas and recommendations
17 here today, one thing comes to mind to have new
18 concepts, it's a another thing to carry them out.

19 From China comes a story of a merchant who came
20 to a very wise man with a problem in his accounting
21 department. He said, "I have six men, I have six
22 abacuses, but my needs have expanded to the point where
23 I need a 20 percent increase in output, but I cannot
24 afford the capital investment of another man or another
25 abacus. Even if I could, one man would not be enough,

1 and two men would be too many."

2 The wise man pondered the problem for several
3 days and then summoned the merchant. "The solution to
4 your problem is simple. Each of your present accounting
5 staff must grow another finger on his hand. This will
6 increase your abacus output exactly 20 percent and solve
7 your problem."

8 The merchant smiled, his problem solved, and he
9 started to leave and then paused and looked at the old
10 man. "Oh, wise one," he said, "truly you have given me
11 the solution to my problem. But," said the merchant,
12 "how do I get everyone to grow an extra finger?"

13 The wise man puffed on his pipe and said,
14 "That's a good question, but alas, I only make policy
15 recommendations, the details and the execution are up to
16 you."

17 (LAUGHTER.)

18 MR. GROGAN: Again, welcome to the valley, and
19 enjoy the hospitality of our citizens as well as our
20 beautiful weather, the environment while you are here.
21 I look forward to seeing you at Alford Distributing
22 tonight and, as you tour the auto museum and then
23 following a reception.

24 Gentlemen, thank you, and thank everyone here
25 for coming.

1 (APPLAUSE.)

2 ACTING BOARD CHAIRMAN MEDINA: Thank you, Mr.
3 Mayor, and for sharing those words of wisdom with us.

4 And I really should have made this announcement
5 earlier, but it's still timely, please turn off all cell
6 phones to avoid disrupting the meeting.

7 (LAUGHTER.)

8 ACTING BOARD CHAIRMAN MEDINA: Thank you. And
9 that goes for my staff as well.

10 On behalf of the Governor and the California
11 legislature, I'd like to remind everyone to flex your
12 power by conserving energy. We at the Waste Board
13 conserve energy and reduce waste by providing limited
14 numbers of copies of the agenda items, and they're
15 located at the back of the room.

16 For those of you in the audience, there are
17 speaker request forms on the back table. If you wish to
18 address any items on the agenda, please fill out a slip
19 with the specific item or items you plan on addressing,
20 and give it to Ms. Villa who will make certain that we
21 know of your desire to speak.

22 And with that, we'll move onto reports and
23 presentations.

24 Board Member Jones, do you have any reports and
25 presentations?

1 Oh, ex-parte first.

2 BOARD MEMBER JONES: Thanks, Mr. Chair. Just
3 three this morning. J. Michael Hulls about some
4 household hazardous waste grant ideas.

5 Steve Johnson this morning on this, really that
6 was more of a meet and greet but he does have a permit
7 in front of us.

8 And Don Gamblin and some old friends, Maurice
9 and Brad, from NorCal, we ran into each other last night
10 and again this morning. And I did talk to Don a little
11 bit about the absence of a quorum.

12 And then I got a call from my secretary this
13 morning that I received a fax from Barry Takallou who, I
14 sat on that committee that did the grading of those
15 grants so I didn't look at it, I haven't read it, but
16 just for the record we did accept it, we do have it but
17 we haven't read it.

18 So thank you, Mr. Chair.

19 ACTING BOARD CHAIRMAN MEDINA: Thank you, Board
20 Member Jones. And for the record I have not read the
21 same correspondence.

22 Senator Roberti.

23 BOARD MEMBER ROBERTI: And for the record I
24 have received the same correspondence and did not read
25 it on advice of counsel so, regarding the tire

1 commercialization grants.

2 ACTING BOARD CHAIRMAN MEDINA: Any ex-partes at
3 this time, Senator?

4 BOARD MEMBER ROBERTI: I do not believe so.

5 ACTING BOARD CHAIRMAN MEDINA: Thank you. I
6 have two. I met with two tribal representatives,
7 Michael Connelly, president of Laguna Resource Services,
8 Inc.

9 And with Ralph Goff, Tribal Chair of the Campo
10 Band of Kumeyaay Indians.

11 And at this time before we move on to reports
12 and presentations from Board members, I'd like to have
13 Mr. Steve Hogan, Director of Public Works from the City
14 of El Centro, come up and share a few words with us.

15 Mr. Hogan.

16 MR. HOGAN: Thank you very much, Chairman
17 Medina.

18 You'll recall that the mayor said he had a
19 blank map, I'm staff, I need directions, and you'll find
20 that there are many maps here. For those of you not as
21 familiar with the Imperial Valley, there are many
22 remarkable opportunities to visit many places, I know
23 you're here a short time, but there are fine places to
24 eat as well. So staff, back there there's maps and also
25 up here.

1 Again, thank you for joining us. We really
2 appreciate you coming here and your outreach efforts on,
3 behalf of particularly rural communities.

4 Again, I'm Steve Hogan. I am the chair of the
5 Imperial Valley Waste Management Task Force. The City
6 of El Centro is the administrator, the lead agency for
7 seven cities and the county, and that happened a couple
8 of years ago.

9 And what I'd like to tell you about today is
10 some of the things that we have been doing on your
11 behalf and at your direction and trying to meet the
12 goals that you have established for us.

13 You know in 1992 the jurisdiction adopted a
14 comprehensive plan to meet the diversion requirements
15 for the next ten years and beyond.

16 In 1995 most of the cities in the Imperial
17 Valley had met the 25 percent diversion goals. For
18 example, the City of El Centro's was 39 percent, and
19 climbing.

20 During the past three years, though, a number
21 of events have occurred which have impacted the
22 implementation of our long term strategies.

23 One of our major accomplishments, though, is
24 the construction lately of an, a hazardous household
25 waste facility. That was completed on January 5th and

1 is now currently in operation. There hadn't been one in
2 Imperial Valley prior to that time.

3 The construction, though, of this facility
4 would not have been possible without the Board's
5 commitment and financial support. We did it with a
6 grant, and the operation of that is included within
7 those grant confines. The County of Imperial was a
8 material player in the construction of that facility.

9 On behalf of the Imperial Valley Waste Task
10 Force I'd like to thank you for that commitment.

11 Additionally, we've been very successful in a
12 number of other activities. We have constructed a
13 materials recovery facility. That was completed about a
14 year ago, and we continue to try to refine the operation
15 of that facility. It has been a challenge for us.

16 The implementation of a curbside recycling
17 program in most of the cities.

18 The formation of a Regional Integrated Waste
19 Management Task Force. We are trying to create one to
20 make it simpler to report and to take advantages of some
21 of the beneficial diversion goals that the county has.

22 We have participated in funding our plans by
23 every city and the county to the tune of \$400,000 a
24 year. That commitment is a serious commitment by all
25 the cities and the county.

1 As you heard from the mayor, we have a
2 relatively high unemployment rate, our resources are
3 relatively low, but that will not divert us from our
4 goals, we will accomplish them, this money says that we
5 will do it.

6 We have assigned the city as the lead
7 administrator, and we have employed full-time staff
8 members. We have employed two different consultants.
9 One for an educational outreach, because our long term
10 belief is that we must educate the fourth, fifth, and
11 sixth graders, because they are our future recyclers,
12 and if they buy in, not only do they have an influence
13 in the long term, but they also have a big influence in
14 our families today.

15 We also reached out to the Joint Chamber of
16 Commerce, and we have made several presentations to them
17 and we have enlisted their support.

18 Unfortunately, over the past few years our
19 diversion rates have fallen. And there's some reasons
20 for that, and we'll overcome those challenges.

21 But we've done some other things that are very
22 positive. We've built, we're in the process of
23 developing a web page. We have that in place, but we
24 don't have all the components, so it's an ongoing
25 development. But again, it's a point of contact as we

1 enter the electronic age so people can know more about
2 the Imperial Valley and what we're doing in the
3 recycling efforts.

4 We have very successful Earth Day festivals.

5 In fact, if you were staying this weekend we have a
6 children's fair, and it's well attended by everyone.

7 We have a lot of animal and fruit festivals
8 around here, bird festivals and sugar beet festivals and
9 carrot festivals, and I don't know, maybe there should
10 be more vegetarians here, I don't know.

11 We've hired consultants, Eco Solutions, to
12 manage and operate the new household hazardous waste
13 facility. And we're discussing the establishment of a
14 composting facility.

15 We're also applying again for a second HHW
16 facility for the north.

17 As the Board knows, you have funded studies for
18 the Brawley Landfill, the County and the Brawley
19 Landfill in order to provide transfer stations and
20 closure and financing for that.

21 Well, this is an ideal time to put a household
22 hazardous waste facility up there as well so that we can
23 implement a longer term plan, and that is to be able to
24 consolidate our resources and identify collection spots
25 so it will make it more cost effective for us to

1 transport these materials.

2 The task force has partnered with the Imperial
3 Valley Regional Occupational. Madeline Ochinang -- and
4 I hope you bear with me today, I'm going to take some
5 license, I'm going to ask her to come up and I'm going
6 to ask her to tell you a little bit about our education
7 program. I think it shows value. We put about a
8 hundred thousand dollars into it, and it's just really
9 valuable. And she has a developed a comprehensive
10 educational plan to reach all of our youth throughout
11 the valley.

12 And we have procurement policies. We've
13 established recycling policies within the purchasing
14 departments in most of the agencies.

15 And the thought here is, "What are we going to
16 do next? What are we going to do in order to reach our
17 diversion goals?" And that's an important question for
18 you and an important question for us.

19 We are developing a C&D ordinance because we
20 understand the numbers and we understand that weight is
21 important.

22 The cities have begun to develop new base
23 years. In fact, your staff has been visiting us
24 repeatedly and tried to help us accomplish that.

25 The City of El Centro and the members of the

1 Imperial Valley Waste Force are studying the feasibility
2 again of a regional agency.

3 And so these are positive things that are going
4 to occur in the next several months, if not next year.
5 And each year, of course, we'll revise our goals.

6 But at this time I'd like to take the
7 opportunity and have Madeline come up and just share
8 with you a couple of her thoughts.

9 You'll see on the very back some of the
10 pictures that the kids have drawn. And when Madeline
11 completes her comments, if you don't mind, I would just
12 summarize.

13 ACTING BOARD CHAIRMAN MEDINA: Not at all,
14 please feel free.

15 MS. OCHINANG: Thank you, Steve, and thank you
16 Board members for allowing me this time.

17 As Steve said, my name is Madeline Ochinang, I
18 work for the Imperial Valley Regional Occupational
19 Program. I've been contracted to work with the Imperial
20 Valley Task Force to carry out its environmental
21 education component. I work with Stephanie Collins, my
22 colleague in the back, to do a lot of the educational
23 activities.

24 We, just to give you a sense of the, the
25 schools in our valley, we have about 48 elementary and

1 middle schools, fifteen high schools and, within the ten
2 communities, a total of 33,000 students or so.

3 The work that we do with the task force focuses
4 in three or four general areas. The first one being
5 class presentations. We focus on fourth, fifth, and
6 sixth graders, and we do in-class presentations on why
7 it's important to recycle, how you recycle in the valley
8 and, more importantly, closing that loop and buying
9 recycled and thinking more broadly about how do you
10 manage resources and reduce waste in the first place.
11 So we've done that since April of 2000, focusing on the
12 fourth, fifth, and sixth grades.

13 We have, every community in the valley, most of
14 the smaller communities we've seen almost a hundred
15 percent of their fourth, fifth, and sixth graders, even
16 their K through eight in some of our smaller
17 communities.

18 In the larger communities, like El Centro,
19 we've reached nearly 70 percent of the fourth, fifth,
20 and sixth graders. So across the community, across the
21 valley we've seen about 65 percent of the fourth, fifth,
22 and sixth graders which, in this short time, we're quite
23 proud of.

24 As I said, we focus on why it's important to
25 recycle, that's kind of our base presentation. We're

1 also developing some presentations on used oil recycling
2 since we certainly have a lot of do-it-yourselfers here
3 in the valley.

4 And again for that age group, because many of
5 those kids are helping dad or helping mom to do those
6 kinds of things.

7 We have a few things to show here. On the
8 table to my right are some of the problems that we use
9 and the billboards that we use to show kids.

10 It's amazing those small trash cans that we
11 have from our hauler which are replicas of our curbside
12 recycling. Kids love them. I mean I've been offered
13 money cause they want their Barbies to recycle and
14 they're the perfect size.

15 (LAUGHTER.)

16 MS. OCHINANG: So you really get a lot of
17 positive impact, positive feedback from our students.

18 We also have, we leave the teachers with
19 followup information, much of it coming from your
20 organization in terms of material they can use that is
21 pertinent to the valley, information about recycling, as
22 well as other resources they may want to use and
23 incorporate into their classes.

24 We are developing, this year and in the coming
25 years we're really going to focus on the fourth graders,

1 since we've reached a lot of the fourth, fifth and sixth
2 graders we don't want to repeat, so we're really
3 focusing on the fourth graders for the initial
4 presentations, and with the fifth and sixth graders
5 we're going to do more household hazardous waste, used
6 oil, so as they get older they kind of understand all of
7 the different pieces that will go into a full
8 comprehensive program in resource management.

9 We are also looking to work with a program in
10 the valley, it's called Valley Via Imperial Program in
11 Science, the VVIPS program. It's a program that works
12 with K through eighth grades across the county, every
13 class. And they do specific units for each grade
14 period. It's a hands-on, very interactive science-based
15 curriculum. And we're working with them, hopefully in
16 the next years we'll be able to incorporate waste
17 reduction, resource management components into each of
18 their units.

19 So for example, in the second grade there's a
20 unit on soils. Obviously vermiculture is perfect. So
21 that way every second grader not only when they go
22 through their unit on soil, hears a little about
23 vermiculture and resource management. That's what we
24 hope to do.

25 The class presentations reach kids in a short

1 period of time, but we hope by institutionalizing the
2 resource management information in the VVIPS program
3 we'll be able to reach a lot more students this way.

4 We are also involved in starting in-school
5 recycling programs. There are several schools that have
6 recycling programs. Last year we had, we helped the
7 City of Imperial to start recycling programs in all
8 three of their elementary schools which are still up and
9 going now.

10 We are currently working with some DOC grants
11 to get some recycling programs started in other
12 communities as well. I know that Brawley has some
13 schools recycling, Westmorland, of course, some in
14 Calexico. So we'll be working with the other
15 communities, other schools to get those schools on board
16 with the usable programs as well.

17 One of the things about working with an ROP, a
18 regional occupational program, they do a lot of
19 occupational training preparing students for work. And
20 one of the things that we're able to do is find ways to
21 incorporate a lot of this resource management
22 information into some of our occupational training and
23 work training.

24 Because really when it comes down to it,
25 recycling is not just one person's job, everybody has a

1 role to figure out how it fits.

2 So for example, in our computer repair classes
3 we can work with those students not only to help them
4 understand the technical information they have to, but
5 also how do you recycle a computer? What are some of
6 the issues with, with landfilling much of that, much of
7 that waste? How can those students think about new
8 entrepreneurial opportunities in the field of computer
9 repair and recycling?

10 So we hope to be able to engage their creative
11 sides, to think about what they'd like to do for work,
12 and give them real hands-on, very relevant information
13 about what will face them in the workplace once they do
14 get out there.

15 As Steve mentioned, the other thing that we
16 work on is our Earth Day festivals. It's designed not
17 only for our school age children, but the general
18 public.

19 And this is the second year that we have had a
20 recycling focus, a resource and recycling focus. And
21 the posters for this year are up in the back, I invite
22 you to see them. They're always so refreshing to look
23 at this field from fresh eyes like that. So I invite
24 you to look at those today.

25 And lastly, we are -- at ROP we have about 120

1 employees in both sites, and we have instituted an
2 in-house recycling program. And we've done it because
3 we are an educational, we're an educational institution
4 and we want to be a leader in that field. So we use our
5 recycling programs to inform our employees, inform our
6 teachers, inform our students about the importance of
7 waste prevention broadly, resource management broadly,
8 and also the specifics of recycling.

9 We have lots of opportunities in the future to
10 involve some of our ROP students in the communities that
11 have in-school recycling programs.

12 We hope to use some of our high school students
13 to help our elementary schools with waste assessments.
14 So there's lots of opportunities in education. We are
15 excited about the work that we do. The students are,
16 it's very rewarding to work with them. They are very
17 excited, Stephanie and I when we go to schools kids go,
18 "Oh, it's the recycling ladies, it's the recycling
19 ladies," and that's always nice to hear.

20 Thank you for your time. Enjoy your visit here
21 in Imperial Valley. I will be at the reception this
22 evening if I can answer any further questions about some
23 of our work. And again, thank you.

24 (APPLAUSE.)

25 MR. HOGAN: Thank you, Madeline. And as you

1 can see, Madeline brings a tremendous amount of vibrancy
2 to this issue, and we really, really appreciate her
3 energy.

4 In closing, let me just share with you my final
5 thoughts. And that is that we have made a serious
6 commitment to meet our diversion requirements. We don't
7 take it lightly, it is a serious commitment. The eight
8 members have backed this commitment with money, staff
9 time, and our own personal efforts.

10 We will develop a new base year. We will
11 continue to place our priorities on our educational
12 programs. We may become a regional agency. We will
13 improve our programs and projects. And we will reach
14 our diversion requirements.

15 In closing, though, I would like to personally
16 thank the Board for providing the staff support to meet
17 our goals. It's been a big commitment, I know it's a
18 financial one, we do appreciate that.

19 And I want to tell you that your staff is
20 really exceptional. Tara Gauthier has, over the past
21 year and a half or so, been fantastic.

22 Yesterday Pat Schiavo, Cara Morgan, and Kaoru
23 Cruz spent time with us explaining how they can assist
24 us and meet our mutual goals. Their cooperation and the
25 information and the expertise they brought reassured us

1 and made us feel a lot better about getting to where we
2 need to be.

3 So you really have an excellent staff and I
4 appreciate that so much. And locally we have Gerald
5 Quick. Whenever we have an environmental issue we go to
6 Gerald because he'll tell us two things;

7 One, he'll tell us what the law is and what's
8 possible within that.

9 And then he'll tell us, too, if we can get
10 around it. So his expertise is invaluable to us. And
11 when he says no, we know it's no.

12 BOARD MEMBER ROBERTI: You're the most honest
13 waste director we've come across.

14 (LAUGHTER.)

15 MR. HOGAN: But I gotta tell you, they are
16 excellent ambassadors of goodwill for you. They've
17 reassured us, they've brought their expertise to the
18 table, and with their assistance we are, without a doubt
19 we will succeed.

20 So we'd like to thank you tonight. We'll see
21 you at the reception, and we hope to have a little more
22 face time together.

23 Thank you again.

24 (APPLAUSE.)

25 ACTING BOARD CHAIRMAN MEDINA: Thank you,

1 Steve. And I just wanted to let you know that we're
2 also very proud of our staff. And we want to thank
3 Madeline for sharing those wonderful programs with us.
4 And just to let you know that our Board and certainly
5 our Chair has a deep interest and commitment to
6 supporting educational programs in this area for our
7 young people. So we commend you for your good work.

8 At this time we'll move on to reports and
9 presentations.

10 Board Member Jones, do you have any reports?

11 BOARD MEMBER JONES: Just two quick ones, Mr.
12 Chair.

13 I testified on behalf of the Board in front of
14 the USDA on sudden oak death and its movement. They had
15 a hearing in Petaluma and another one in Maryland. This
16 is going to impact the north state, especially the
17 coastal regions, pretty significantly.

18 It turns out that CDFA and the Waste Board are
19 right in step with what we think the resulting methods
20 needed to be to deal with that.

21 Today there's, in fact, a meeting between CDFA
22 and the USDA to nail down the movement of some host
23 materials, not infected necessarily, but host materials
24 where originally the USDA had put in a quarter mile
25 quarantine throughout twelve counties in the state where

1 none of this material could move, inspected or not.

2 Obviously it's a, it's a problem for the state, but I
3 think there's a solution.

4 And then the next day I was able to be one of
5 the speakers at the Alameda County Recycling Task Force
6 all day session on product stewardship and
7 sustainability.

8 And following up on Madeline's discussions with
9 her, with her curriculum, I think it's important, and it
10 became pretty crystal clear, we were talking, I was
11 talking to an audience that is committed, and there's a
12 lot of ideas out there, and I think we've really got to
13 focus on a lot of the programs that we put in place over
14 the last couple of years to really make sure we take
15 them out to total completion and not just keep moving,
16 you know, from issue to issue. Because clearly we've
17 got the impetus behind us to make sustainability a way
18 of life if we don't ignore it. So it was a pretty good
19 week the last couple of weeks.

20 ACTING BOARD CHAIRMAN MEDINA: Thank you,
21 Steve.

22 BOARD MEMBER ROBERTI: Yes, thank you, Mr.
23 Chairman.

24 This past month I have visited 3-D Plastics,
25 which is the site of a company which received a grant

1 from us, had just received a grant from us, and I was
2 interested in their program and I heard about it, and
3 they make traffic cones.

4 And the interesting statistic that I heard from
5 them was that traffic cones have to be recycled every
6 three weeks because people run over them. And so it's
7 one of those unique areas where there's lots of work for
8 recycling, and if something doesn't strike you right at
9 first blush, but it's certainly an area where we have
10 gotten ourselves involved in and it certainly should be
11 an area where we should be involved in more.

12 I visited Los Angeles Music Center, not for a
13 play but to see their trash. And they are interested in
14 venue collection of unique problems that venues have.
15 In this case they have the major program on the
16 recycling of their paper, their programs, and it's one
17 which should be expanded to other venues of similar
18 size.

19 I went to the Orange County Frank Bauerman
20 Landfill. They have a permit pending. I was impressed
21 by their operation, that's not to say how I'm going to
22 vote on their permit extension, but nevertheless they
23 are a state-of-the-art landfill with the one proviso, of
24 course, that it's always nice to have a landfill where
25 nobody lives. And if you could start out that way I

1 guess that's what everybody would do.

2 But they are state-of-the-art, and certainly
3 have a lot of features, including use of recycling
4 materials in their operational offices, which I would
5 commend all of us to look to.

6 I visited with the City of Santa Clarita and
7 their waste department on a very unique program which
8 they have in an area which we sometimes laugh about but
9 is of tremendous importance in maintaining our landfills
10 be free from toxicity, and that is their, their diaper
11 waste reduction program.

12 And they have a program for reducing Pamper
13 waste. And sometimes we laugh and joke about it, but
14 Pampers along with plastic bags are probably two of the
15 largest problems that we face in landfills. The City of
16 Santa Clarita is doing something in this area.

17 And I visited Dap Consulting where they work
18 with a lot of our grantees in our buy green program.
19 And it's always interesting and enlightening to see all
20 the things that entrepreneurs can do to make materials
21 out of recycled products.

22 All the things you can do with used denim is
23 always startling and always good to know about. And
24 it's nice to see these companies who prove you can make
25 money and be in the business of recycling at the same

1 time.

2 ACTING BOARD CHAIRMAN MEDINA: Thank you,
3 Senator Roberti. Do you think we could get into the
4 Oscars to see how they handle the waste there?

5 BOARD MEMBER ROBERTI: I'll try, I'm working on
6 that.

7 ACTING BOARD CHAIRMAN MEDINA: I'd like to
8 report on my trip to the Solid Waste Association of
9 North America's 13th annual waste reduction recycling
10 and composting symposium and 6th annual collection and
11 transfer symposium.

12 And this conference was attended by
13 representatives of the public and private solid waste
14 industry.

15 I attended several very informative sessions.
16 Most interesting to me were the discussions on
17 environmental justice on diversion, on construction and
18 demolition debris, as well as a session on product
19 stewardship.

20 The session on environmental justice included
21 a presentation made by a representative of the United
22 States Environmental Protection Agency, as well as
23 representatives from the solid waste industry.

24 The U.S. EPA spokesperson addressed the public
25 right to participate, post community agreement and

1 negotiated economic benefits, and referred to some U.S.
2 EPA publications that would be helpful in developing
3 policy on facility siting. And we're in the process of
4 acquiring that, and I'll be sharing that with Board
5 members and anyone who has an interest.

6 In addition to agreeing with the U.S. EPA
7 industry representatives, the spokespersons talked about
8 the need to quantify the process.

9 I also attended an interesting session that
10 compared single screen versus multi-screen diversion
11 processes. And this was very interesting to listen to
12 the advantages of both of these and to see a comparison
13 and contrast between the two.

14 The session on construction and demolition
15 debris focused on the problem of wooden pallets. I'm
16 sure that my fellow Board members would feel vindicated
17 by knowing that for many states, especially Florida,
18 they have recognized wooden pallets to be a major
19 concern.

20 The state of Florida has authorized and has
21 executed a study on this issue, and they're going to be
22 making that study available to us.

23 I also attended an informative session on
24 product stewardship that included the presenter from
25 Vancouver, Canada who spoke regarding their

1 implementation of user pay programs and manufacturer
2 responsibility.

3 According to this speaker, they pay on the
4 average of \$60 per ton tipping fees, and so I think it
5 behooves us to look more closely at the Canadian
6 integrated waste management programs to see what ideas
7 they may have to offer, and that's one of the advantages
8 of attending these SWANA conferences is that they do
9 have international representatives that come and make
10 presentations.

11 Also this week I sent out an invitation to all
12 the California tribes inviting them to attend and
13 participate in our product trade show being held in
14 Southern California for the first time. This trade show
15 will take place on April the 4th and 5th in Anaheim.

16 And that concludes my report at this time.

17 With that, we will move on to our report from
18 mark Leary, or executive director.

19 EXECUTIVE DIRECTOR LEARY: Thank you, Mr.
20 Medina, members of the Board. Good morning, I just
21 wanted to step down here, I have kind of a substantive
22 report to give you today so I thought it would be easier
23 to come down here and have a chance to look at you.

24 First and foremost, you probably are aware and
25 I'd like to remind our members of the audience that we

1 are, for the first time, live on the Internet, being
2 broadcast worldwide through the Worldwide Web, so say
3 hello to your special friends in Madagascar who are
4 listening intently to your policymaking here today.

5 And I'd like to thank Mr. Medina for reminding
6 all of our stakeholders about the recycled products
7 trade show.

8 And I'd also like to mention that the Board is
9 aware that the first tire conference since the passage
10 of 876 is being held next week, Tuesday, Wednesday, and
11 Thursday in the Palm Springs area, and I know many of
12 you are planning to participate, so we'll have a very
13 high profile conference that we the Board are
14 sponsoring.

15 I'd like to touch on what really hasn't
16 formally been announced until now is the fact that we
17 have, in fact, calculated our diversion rate for the
18 year 2001. And it is 42 percent on a statewide average.
19 And although this is the first year since we've started
20 tracking and calculating a statewide average since 1990
21 that it hasn't increased from the previous year, we
22 think there are several reasons for that.

23 The downturn in the recyclable commodities
24 market could explain the lack of increase in the
25 statewide diversion rate. The depressed economy has had

1 a profound and negative effect on the recycled
2 commodities market.

3 BOARD MEMBER ROBERTI: Where were we in 2000?

4 EXECUTIVE DIRECTOR LEARY: I'm sorry?

5 BOARD MEMBER ROBERTI: Where were we in 2000?

6 EXECUTIVE DIRECTOR LEARY: We were at 42
7 percent the last two years.

8 BOARD MEMBER ROBERTI: We didn't go down?

9 EXECUTIVE DIRECTOR LEARY: We didn't go down,
10 we didn't go up.

11 Almost all material types over the last year
12 hit all time lows. Allan Pilloff, the president of the
13 Fort Bend Metal Recyclers, Incorporated states that,
14 "We're in one of the worst cyclical parts in our
15 industry in the last fifty or sixty years, I would say
16 since the 1930s. The plastics and paper markets are
17 also very soft, and in some markets reaching ten year
18 lows."

19 Considering this, California is doing actually
20 pretty well in holding its own at 42 percent. Pat
21 Schiavo from the DPLA section will be sending you a memo
22 soon describing the staff analysis of our findings.

23 Senator Roberti asked me earlier this month to
24 update the Board on the four principal threats to our
25 compost marketplace. And this follows nicely from my

1 report about the 42 percent which, as you know, forty
2 percent of our waste stream is organics, and the ability
3 to compost in this state will have a dramatic effect on
4 our diversion rate.

5 But as I think you know, and I'll summarize
6 here quickly, we have four significant threats to the
7 viability of the California compost market.

8 First comes in the form of wood treated with
9 chromium copper arsenic, CCA, that's currently sold in
10 home centers and lumber yards throughout California, and
11 is widely used in industrial playground and garden
12 settings to prevent rot and insect attack on wood
13 structures.

14 The potential health impacts of long term
15 exposure to chromates and arsenic are well documented.

16 The U.S. EPA is currently reassessing the
17 safety of CCA, and is placing a special focus on the
18 risks for children since many playgrounds, parks, and
19 outdoor home furniture contain CCA treated wood.

20 The wood preserver industry also recently
21 agreed to a voluntary phase-out of the manufacture and
22 distribution of CCA treated wood.

23 We know that some CCA treated wood is being
24 disposed of in municipal landfills that are not designed
25 to accommodate hazardous materials. In addition, some

1 of this material could be going into composting in the
2 biomass to energy facilities.

3 Senator Romero has introduced legislation,
4 Senate Bill 1393 to address concerns about arsenic
5 treated wood waste. Carroll will be briefing us all on
6 that legislation a little bit later today.

7 A second threat is the actions of the South
8 Coast Air Quality Management District in considering
9 Proposed Rule 1133 that would implement a control
10 measure to reduce ammonia and VOC emissions from
11 composting facilities.

12 As currently proposed, PR 1133 would require a
13 costly facility enclosure and biofilter treatment of
14 composting facilities and, of course, seriously impact
15 the viability of these operations, likely resulting in
16 the closure of many of these facilities.

17 It would also impact chipping and grinding
18 facilities, and potentially green materials used for
19 ADC.

20 We're obviously very concerned that 1133 will
21 have a major impact on the solid waste infrastructure,
22 but we're also working very closely with the South Coast
23 AQMD in their rulemaking and advising them to consider
24 alternatives.

25 Board Member Jones and, of course, our

1 Chairwoman Moulton-Patterson have been very active in
2 these discussions with South Coast, and have been
3 invited to participate in their first prehearing, public
4 prehearing on April 5th, 2002.

5 The third of four threats to the compost
6 marketplace is herbicide contamination and compost.
7 There is growing concern about an ingredient in some
8 herbicides called Clopyralid and its potential effect on
9 market. In fact, it's received a good deal of print
10 media exposure lately, most notably in an editorial in
11 the L.A. Times last week under the banner, "Stop the
12 Killer Compost."

13 Clopyralid has a low toxicity to animals and
14 humans, however it's persistent and is found in the
15 product of at least a dozen California compost
16 operations. This is worrisome because even at extremely
17 low levels this herbicide can cause damage through
18 ornamental flowers and vegetables.

19 This issue was discussed recently at our March
20 6th Board briefing, and we heard from many of our
21 stakeholders. And the Board has continued to direct
22 staff to work with our sister agency, the Department of
23 Pesticide Regulations, to develop a work plan to address
24 the issue.

25 Fourth is the onset of the sudden oak death

1 disease in the north coast of California. It's
2 affecting oaks and dozens of other species in this
3 area. And Mr. Jones mentioned his testimony before the
4 U.S. Department of Agriculture on their emergency rules
5 to restrict the movement of affected material and
6 associated product, especially regarding bark chips and
7 mulch.

8 This Board currently permits over 25 composting
9 operations along the region for which movement has been
10 restricted. We're working closely with CDFA on the
11 possibility that composting may actually be considered
12 an effective treatment for the disease to eliminate the
13 pathogen in these materials.

14 As a followup to the February 27th hearing on
15 the federal quarantine, staff will be meeting with both
16 CDFA and the U.S. Department of Agriculture to discuss
17 additional resource requirements and potential changes
18 to the state and regulatory frameworks. We'll be
19 bringing forth a contract concept to you.

20 In April we'll be preparing an agenda item per
21 your direction, Senator Roberti, to discuss each of
22 these issues a little more thoroughly and bring you up
23 to speed at that time.

24 In other matters, the quarterly training
25 workshop of the recycling market development zone

1 administrators will be held March 21st and 22nd in San
2 Francisco. The focus of the workshop will be
3 sustainable building and how to implement these
4 activities in the zones.

5 Board member Eaton will participate on a panel
6 discussion at this workshop. Other presentations will
7 discuss why this topic is of interest to the Board, and
8 the green building projects the Board is currently
9 involved in.

10 Other program staff presentations to address
11 resources that are readily available at the Board and
12 other industry government entities.

13 It's useful to note that I recently heard from
14 the Vice Chancellor for Building Development at UC
15 Merced, very interested in working with the Board on
16 implementing green building practices. And I will be
17 meeting with Mr. Graves here next week to kick off that
18 interaction and relationship on green building practices
19 on the soon to be built UC Merced.

20 I'm also pleased to inform you that diversion,
21 planning, and local assistance division has successfully
22 implemented an electronic reporting system allowing
23 state agencies and facilities to file their AB 75 annual
24 reports on-line. With strong support and assistance
25 from the information management branch, the system went

1 on-line on schedule. At the close of business on the
2 first day of its availability, five state agencies had
3 submitted their reports which were due April 1st.

4 The result of this project, of course, includes
5 the easier filing of reports for our external customers,
6 more efficient tracking for the Board staff, more
7 information available to local governments and the
8 public. It's great customer service all around.

9 So congratulations, and thank you to everyone
10 who participated in making this little bit of
11 E-government a reality.

12 Then in terms of local activities, I want to
13 touch on a couple of activities from the solid waste
14 cleanup program. That is the New River study and the
15 Tijuana River Valley study.

16 In regards to the New River studies,
17 significant pollution problems in the New River, poor
18 water quality and floating trash have been recognized
19 since at least the late 1940's.

20 In late 2001, the Board's engineering services
21 contractor, Brian Stirat and Associates, completed a
22 study to assess the solid waste impacts on the New
23 River, and concluded that:

24 One, the control of refuse sources to the new
25 river in Mexicali is approaching completion and has been

1 sufficient to reduce refuse levels in the river to
2 nuisance levels.

3 But two, even though the river no longer
4 carries large amounts of refuse, there is still a
5 significant amount of trash stored on the banks of the
6 river.

7 The report recommends that removing the trash
8 on the banks through organized community-based river
9 cleanup events before it is spread further, and to avoid
10 the perception that the banks of the river are an
11 acceptable dumping ground.

12 The Board's solid waste cleanup program is
13 continuing to evaluate the solid waste problem in the
14 New River to formulate an effective, long-lasting
15 solution.

16 As a result of this study, the River Study and
17 the recent cleanup of the Tijuana River illegal disposal
18 site, the solid waste cleanup program is also focused on
19 the solid waste impacts of the Tijuana River.

20 Waste discarded improperly in Mexico impacts
21 California by washing into the Tijuana River Valley
22 during storm events creating public health and safety
23 concerns as well as environmental contamination.

24 The current cleanup practices allows continued
25 pollution into the Tijuana Valley and Pacific Ocean with

1 ongoing costs to California property owners and public
2 agencies.

3 The current objective of the study is to
4 minimize the solid waste impacts to the Tijuana River
5 Valley, Pacific Ocean, and the citizens of California in
6 the short-term by constructing remedial measures in
7 California to prevent the solid waste from spreading.
8 And in the long term, by establishing a solid waste
9 infrastructure in Mexico to properly discard solid waste
10 by seeking to fund a variety of governmental and private
11 sources.

12 That concludes my report.

13 ACTING BOARD CHAIRMAN MEDINA: Thank you, Mr.
14 Leary. And at this point just a procedural question.
15 Mr. Paparian will be here tomorrow so we will have a
16 quorum tomorrow. But as of today we have a number of
17 items that are before us today, and so what would be the
18 proper course of action to take?

19 EXECUTIVE DIRECTOR LEARY: Mr. Medina, I think,
20 what I'd like to recommend to you and the Board members
21 is we go ahead and consider all of the items proposed
22 for hearing on today's agenda, and what I'd like to
23 suggest is we go ahead and have staff make those
24 presentations and hear testimony from the stakeholders
25 to the extent they're in attendance and want to speak,

1 so that you can hear the full breadth of the issue and
2 its interest to stakeholders.

3 And then at that point I think rather than
4 voting, since we don't have a quorum of the Board, I
5 will simply ask you all at the end of each agenda item
6 if you have an objection to me placing that item on the
7 consent calendar for tomorrow.

8 If you think there are issues to be raised and
9 things to be discussed further, or you're concerned that
10 placing them on consent would not result in a full
11 consideration of the issue, simply mention an objection
12 and I won't place it on the consent calendar and then we
13 will hear it tomorrow also.

14 But if you do not object, I will go ahead and
15 place all the items for which you do not object to from
16 today's agenda on the consent calendar, at which time
17 when Board Member Paparian arrives and we have a quorum,
18 we can move the consent calendar that will include not
19 only items 7, 12 and 21 which I've already proposed for
20 consent, but all the items from today's agenda which
21 you've not stated an objection for.

22 So we will have them be considered first thing
23 tomorrow and expand the consent agenda for which you can
24 vote on with the forum here and then move right in with
25 tomorrow's agenda.

1 ACTING BOARD CHAIRMAN MEDINA: Thank you, Mr.
2 Leary, for that suggestion.

3 Board members, any objections to that
4 suggestion?

5 BOARD MEMBER ROBERTI: No.

6 ACTING BOARD CHAIRMAN MEDINA: And legal
7 counsel, would this be a proper course of action to
8 take?

9 LEGAL COUNSEL TOBIAS: Yes, it would.

10 ACTING BOARD CHAIRMAN MEDINA: Thank you.

11 Items 14, 15, 20, 25 and 30 have been pulled.

12 Item four, the permittee has waived time on
13 this item, and it will also be pulled.

14 Item number one will be heard tomorrow,
15 Wednesday, March the 13th, before agenda item number 17.

16 And so at this time under new business we would
17 go on with item number two.

18 The pulled items again are item number 14, 15,
19 20, 25, and 30.

20 BOARD MEMBER JONES: Thank you.

21 BOARD MEMBER ROBERTI: And again, item four the
22 permittee has waived time on this item and it's also
23 pulled.

24 MS. NAUMAN: Good morning, Mr. Chairman and
25 Board members. Julie Nauman with the Permitting and

1 Enforcement Division.

2 The first item in the P&E section today is item
3 number two which is consideration of a revised solid
4 waste facility permit for a transfer processing station
5 for San Francisco Solid Waste Transfer and Recycling
6 Center located in San Francisco County.

7 BOARD MEMBER JONES: Can people hear Ms.
8 Nauman?

9 BOARD MEMBER JONES: I can't hardly hear you.

10 MS. NAUMAN: Okay. All right. And Mary
11 Madison-Johnson will be making the presentation.

12 MS. MADISON-JOHNSON: Good morning. This is,
13 there is a revised agenda item for this presentation,
14 and copies have been handed out in the back of the
15 room.

16 This is a large transfer station located west
17 of Highway 101 at the southern end of San Francisco. It
18 handles all municipal solid waste generated within San
19 Francisco, and transports waste to Altamont Landfill in
20 the eastern location of Alameda County.

21 Several recycling programs are located at the
22 facility, including construction and demolition debris
23 material recovery and organics recycling.

24 The permit will allow for the following:

25 A lateral expansion on the eastern side to

1 enclose and expand the MRF.

2 Another older building will be included within
3 the permitted boundary adjusting the footprint from 18.6
4 acres to 22 acres.

5 It will also increase traffic from 1,000 to
6 1,100 vehicles per day.

7 There's been no public opposition to the
8 current expansion. Residents of the nearest
9 neighborhood, known as Little Hollywood, were kept
10 informed of the proposed expansion throughout the
11 planning processes.

12 The area is described as a working class
13 neighborhood. There have been complaints in the past
14 relating to odors or noise, however the most recent
15 complaint was over three years ago.

16 The facility was operating under a stipulated
17 agreement issued by the LEA using the Board's new and
18 emergency permit enforcement regulations.

19 The agreement allowed a temporary relocation of
20 a major sorting line at another building while the site
21 is remodeled. The agreement expired on March 10 at the
22 end of its 90th day, and the operator has stopped the
23 activity until this revised permit is issued. The
24 issued permit will sanction all activities allowed under
25 that stipulated agreement.

1 All required findings have been made. And
2 staff recommend that Board adopt Resolution 2002-123
3 concurring in the issuance of the permit.

4 Representatives from the operator are here, but
5 the LEA was unable to make the trip.

6 This concludes staff's presentation and we'll
7 be available for questions.

8 ACTING BOARD CHAIRMAN MEDINA: Thank you.
9 Board members, any questions?

10 BOARD MEMBER ROBERTI: No questions.

11 ACTING BOARD CHAIRMAN MEDINA: Mr. Leary.

12 EXECUTIVE DIRECTOR LEARY: Would the members
13 have any objection to me placing this on consent for
14 tomorrow's consideration?

15 ACTING BOARD CHAIRMAN MEDINA: No.

16 BOARD MEMBER JONES: It's fine with me.

17 EXECUTIVE DIRECTOR LEARY: Thank you.

18 ACTING BOARD CHAIRMAN MEDINA: We do have a
19 speaker on this issue, Mr. Donald Gamblin.

20 MR. GAMBLIN: Good morning members of the
21 Board. Just a couple of quick comments.

22 I first want to thank staff for helping see us
23 through this application process, both at the Board
24 level and the local enforcement agency.

25 This revised permit would facilitate some very

1 important changes to the facility which really has seen
2 no updates or no remodels since the early seventies when
3 it was initially constructed.

4 It will allow us to enclose our C&D processing
5 line and add a second line.

6 It will allow us a separate organics load-out
7 operation, operational area at the facility to continue
8 with our growth and accommodation of our fantastic free
9 collection program in San Francisco, as well as the
10 restaurants who are currently collecting or have rolled
11 out the fantastic three program to about one-half of the
12 routes in San Francisco. And again, that fantastic
13 three program allows all residents to do all organic
14 recycling with us.

15 And then finally one of the other important
16 things, and I'm sure the public will appreciate this
17 when we put this into place is we're finally able to
18 bring the public disposal area indoors into one of the
19 old buildings that will be vacated within a short period
20 of time here when its recycling operations move to
21 another part of the city.

22 Thank you.

23 ACTING BOARD CHAIRMAN MEDINA: Thank you for
24 your report.

25 And with that, this item will be placed on

1 consent.

2 MS. NAUMAN: That moves us to item number
3 three. And item number three is consideration of a new
4 standardized composting permit for the Fort Irwin
5 Composting Facility located in San Bernardino County.

6 I might point out to you that this is linked to
7 item 21 which is an amendment to the NDFE, and that item
8 is on the original consent calendar.

9 So assuming this goes on consent tomorrow as
10 well, the whole package will be approved timely.

11 And Mary Madison-Johnson, are you making the
12 presentation?

13 BOARD MEMBER JONES: Can I interrupt and ask a
14 question of the chair before the folks from NorCal
15 leave?

16 ACTING BOARD CHAIRMAN MEDINA: This is going on
17 consent for tomorrow, a lot of folks had to come an
18 awful long distance. If in fact they leave today, any
19 of them, and I think we've got fifteen or sixteen items,
20 if they leave and something gets pulled off the consent,
21 what are we going to do? I mean I, people have come an
22 awful long way, there's a tremendous commitment. I just
23 want to make sure people don't leave and --

24 EXECUTIVE DIRECTOR LEARY: Well, I appreciate
25 that Board Member Jones and, unfortunately, without a

1 quorum. Putting it on consent is probably a strong
2 indication that we can give them today that things will
3 be pretty perfunctory tomorrow.

4 BOARD MEMBER JONES: Right.

5 EXECUTIVE DIRECTOR LEARY: But as you say,
6 there is that outside chance it will be pulled by
7 another member or something will occur in your thinking
8 overnight that will cause you to pull it off consent and
9 want to hear it further. But --

10 BOARD MEMBER JONES: That's good enough. I
11 just wanted to get it out there because I think, you
12 know, I agree with you. If it's on consent it's on
13 consent, and there needs to be a level of comfort there.
14 But we do have people that traveled an awful long way to
15 get to El Centro, and they need to know if they're going
16 to stay another night or not and, you know, I just
17 wanted to sort of lay the cards out.

18 Thanks.

19 ACTING BOARD CHAIRMAN MEDINA: Thank you, Board
20 Member Jones, that is a legitimate concern.

21 And thank you, Mr. Leary.

22 The next item, please.

23 MS. NAUMAN: I think we're on item number
24 three, and Diane Ohiosumua will make the presentation.

25 ACTING BOARD CHAIRMAN MEDINA: And again, for

1 the speakers we do have the forms to be filled out in
2 the back. If you wish to speak on an item please fill
3 them out and hand them to Ms. Villa over here on my
4 left.

5 MS. OHIOSUMUA: I along with Ray Brian of the
6 San Bernardino County Local Enforcement Agency will be
7 discussing agenda item number three today.

8 The proposed permit is to allow the operation
9 of a new composting facility.

10 Board staff and the LEA have determined that
11 all the requirements for the proposed permit have been
12 met.

13 At this time staff would recommend that the
14 Board adopt permit decision number 2002-100 concurring
15 with the issuance of solid waste facility permit number
16 36-AA-0143 for the Fort Irwin composting facility.

17 The San Bernardino LEA is here and available to
18 answer any questions you may have also.

19 That concludes staff presentation.

20 ACTING BOARD CHAIRMAN MEDINA: Thank you.
21 Board members, any questions on this item?

22 BOARD MEMBER JONES: No.

23 ACTING BOARD CHAIRMAN MEDINA: Are there any
24 speakers on this item?

25 Okay. That will conclude this item.

1 Mr. Leary.

2 EXECUTIVE DIRECTOR LEARY: Without objections
3 from the Board members, I will place this item on
4 consent for tomorrow.

5 ACTING BOARD CHAIRMAN MEDINA: Thank you.

6 MS. NAUMAN: Item number five is consideration
7 of a revised full solid waste facility permit for the
8 Crazy Horse Landfill located in Monterey County.

9 Mary Madison-Johnson will be presenting.

10 MS. MADISON-JOHNSON: The Crazy Horse Landfill
11 is located in Salinas, California. It consists of 160
12 acres, of which 72 are used for disposal. The
13 surrounding land is rural density, residential. The
14 nearest residence is about eight hundred feet to the
15 south, and six hundred feet to the west.

16 It is owned and operated by Salinas Valley
17 Solid Waste Authority.

18 The proposed permit would allow for the
19 following changes:

20 Increase tonnage from 750 to 900 tons a day.

21 Increase traffic from 196 to 538 vehicles per
22 day.

23 And clarify hours of operation.

24 Regarding the findings. The facility is in
25 conformance with the county siting element.

1 The environmental documents prepared are
2 adequate for the Board's evaluation.

3 The closure post closure maintenance plan and
4 funding for closure and operating liability are
5 acceptable.

6 And regarding minimum standards. The site has
7 a history of violations, as noted on page one of the
8 agenda item, however most were for exceeding tonnage and
9 hours. These issues were corrected with the issuance of
10 the revised solid waste facility permit in May of 2000.
11 Since then the violations have been for exceeding
12 traffic counts.

13 In April and June, 2001, there were state
14 minimum standard violations for explosive gas when the
15 gas extraction system was being adjusted.

16 In November, 2001, there were two violations
17 for inadequate alternative daily cover and
18 recordkeeping.

19 All of those violations have been corrected.

20 On September, in September of 2000 the LEA
21 issued a stipulated notice and order that allowed up to
22 223 vehicles per day, which was derived from the
23 environmental impact report. The order was exceeded
24 many times in 2001 as shown in the agenda item on page
25 five.

1 On August 21, 2001, the LEA was given a notice
2 and order to cease exceeding 223 vehicles per day. The
3 operator has complied with this order.

4 Last week we received information that the
5 landfill gas system was off line and two wells were
6 above the five percent lower explosive limit.

7 The operator has corrected the problem,
8 corrected the problem and the system was working. And
9 the operator and the LEA have been monitoring the probes
10 and they were below five percent. However, I did get
11 word this morning that one of the wells is above five
12 percent yesterday.

13 You might consider utilizing the long term
14 violation policy on this issue because of the gas
15 situation. The policy requires a work plan to correct
16 the problem.

17 The operator is in the process of expanding the
18 landfill gas collection system. Phase one with
19 additional wells and collection. Upgrades are expected
20 to be complete by June, 2002.

21 Phase two, which is design and construction of
22 a second flare, is expected to be completed by December,
23 2002.

24 A question was asked during the briefing
25 relative to complaints from the neighbors. Although

1 there have been complaints in the past, the neighbors
2 are happy with these changes as it will enable the
3 landfill to close earlier, which they would like, by
4 filling faster, and will address the vehicles that have
5 been, overage, and so they were having some illegal
6 dumping problems.

7 All required findings have been made except for
8 the consideration that you would make for the long-term
9 gas violation.

10 Staff do recommend that the Board adopt
11 Resolution 2002-122 concurring with the issuance of the
12 permit.

13 Representatives from the LEA and the operator
14 are here to assist with any questions. And I think Mr.
15 Johnson with the authority would like to address the
16 Board.

17 ACTING BOARD CHAIRMAN MEDINA: Thank you.
18 Before Mr. Johnson comes up, any Board members have any
19 questions?

20 If not, Mr. Johnson.

21 MR. JOHNSON: Members the Board, I've been in
22 front of you four times in the last two years on solid
23 waste facilities permits to include the full solid
24 facilities permit for Crazy Horse which was issued a
25 little less than two years ago.

1 Very shortly after that was issued it was
2 discovered that there was an administrative error in the
3 number of vehicle trips allowed in the permit. It took
4 into account the number of solid waste vehicle trips,
5 but it did not take into account the need for Crazy
6 Horse to import soil, nor did it take into account busy
7 May Saturdays.

8 So on that note we went through all the
9 possible alternatives to solve this problem. The only
10 way to solve it was with a focused EIR, typically cause
11 the haul route went up a state highway through an
12 intersection which was already at a level of service
13 there.

14 We took it through a focused EIR within four
15 and a half months. We completed it in December. And we
16 brought it to your Board as quickly as we could.

17 I'd like to thank both Board staff and the LEA
18 staff to help us accelerate this process through. We
19 were in the dilemma throughout this time period of
20 turning vehicles away and having the county deal with
21 illegal dumping, or being in violation and accepting the
22 additional vehicles. And sometimes on a Saturday we
23 made the decision to accept the vehicles and save the
24 dumping.

25 In terms of the solid, in terms of the landfill

1 gas issue, we as a solid waste staff have been moving as
2 quickly as possible to solve all the landfill gas
3 problems. We immediately, at this point in time have
4 two funded projects, one to add additional wells in the
5 area where we right now have a violation; and the second
6 one is to upsize the flare. And both of those should be
7 completed by the end of the year.

8 If you have any further questions I'm available
9 to answer them.

10 Thank you.

11 BOARD MEMBER JONES: Just one question, Mr.
12 Johnson.

13 The, when you had to close the gate on car
14 counts, what was, did they, did the illegal dumping
15 occur in the neighborhoods or did it occur out in the
16 fields?

17 MR. JOHNSON: Well I'm not going to make the
18 insinuation there was a direct relationship, Board
19 Member Jones.

20 BOARD MEMBER JONES: Typically it's pretty
21 clear there is a direct relationship in this business.
22 If you have a closed gate --

23 MR. JOHNSON: Perhaps there is.

24 BOARD MEMBER JONES: -- and a truckload of
25 trash, it usually ends up on somebody's property.

1 MR. JOHNSON: The times we closed were
2 typically an hour to an hour and a half before our
3 regular closing time on Saturday. We would turn people
4 around and direct them to the transfer station which was
5 open. However, there were a number of rural roads
6 between that landfill and the transfer station which I
7 understand had some additional impacts during those
8 Saturdays. We would typically turn away anywhere
9 between 25 and 35 vehicles per Saturday.

10 BOARD MEMBER JONES: Thank you.

11 ACTING BOARD CHAIRMAN MEDINA: I had one more
12 question. Has that section of the Highway 101 been
13 improved? I know that Caltrans was making some
14 improvements in that stretch, particularly where the
15 traffic from Crazy Horse empties out into 101.

16 MR. JOHNSON: The answer to that is no, that is
17 a portion of the 101 bypass project, which CalTrans is
18 still currently studying.

19 ACTING BOARD CHAIRMAN MEDINA: The Prunedale
20 Bypass?

21 MR. JOHNSON: The Prunedale Bypass, correct.
22 The only vehicles in our study that pass through the
23 intersection are actually making right hand turns, not
24 left hand turns at that intersection. But the rule is
25 that any vehicle that passes through an intersection

1 which is already in a level of service simply
2 exacerbates the problem, and has to be served with an
3 EIR and a finding of overriding consideration.

4 ACTING BOARD CHAIRMAN MEDINA: There have been
5 improvements made on that stretch, somewhere between
6 Salinas and Crazy Horse?

7 MS. MADISON-JOHNSON: Yes, they're doing an
8 overpass at San Miguel Canyon Road which benefits the
9 overall traffic. But in terms of the solid waste
10 operation, no.

11 ACTING BOARD CHAIRMAN MEDINA: Thank you. I
12 became very familiar with that stretch, including Crazy
13 Horse, when I was at Caltrans.

14 MR. JOHNSON: I'm sure you did.

15 EXECUTIVE DIRECTOR LEARY: Unless there are
16 some objections, Board members, I would be comfortable
17 placing this agenda item on consent for tomorrow's
18 consideration. Okay?

19 ACTING BOARD CHAIRMAN MEDINA: No objections.

20 Next item.

21 MS. NAUMAN: This is item number six, this is
22 the last item in this section. Item number six I do
23 have a revised agenda item that has been posted and
24 distributed.

25 This is a discussion of the mine reclamation

1 sites survey for an interagency agreement with
2 University of California, Davis, and a discussion of
3 initial key issues of the construction and demolition
4 inert debris disposal regulations being developed.

5 As I discussed with you at the briefing last
6 week, at the time we were preparing this item we
7 intended to approach this in a two-phased approach, and
8 we were going to be discussing both the mine survey
9 information as well as the development of these
10 construction and demolition regulations. And so that's
11 why the title still appears as it does.

12 However, upon further review of the voluminous
13 information that we received from UCD on the survey, I
14 directed the P&E staff to conducted some additional
15 analysis of the information that has been presented to
16 us, so it's not quite ready to present to the Board and
17 public at this time.

18 We are making a commitment to you to bring this
19 discussion back at the April meeting, and so we'll have
20 a full discussion of the findings of the mine
21 reclamation study at that time.

22 So we'd like to take advantage of the time
23 today to have Mary Madison-Johnson give you an update on
24 the development of the C&D regulation package which, as
25 you recall, is a two-phased package of regulations, the

1 first which you have seen and which is almost ready to
2 go out for the 45 day notice period, and that was the
3 transfer processing section.

4 The second section that we're in the throes of
5 developing now for the informal process is the actual
6 disposal side of the C&D package.

7 We've had two workshops in the last week, one
8 in Sacramento and one in Diamond Bar. I've heard from a
9 number of stakeholders, and Mary will go through with
10 you this morning some of the issues that have been
11 identified by the stakeholders and the staff in those
12 discussions, seek your input and guidance as we continue
13 the informal process.

14 MS. MADISON-JOHNSON: As part of the
15 development and the construction of demolition landfill
16 regulation development, staff have conducted four
17 workshops and attended an LEA roundtable to discuss the
18 regulations and to solicit feedback from the
19 stakeholders.

20 The agenda item outlines the concept used to
21 draft the proposed regulations. Stakeholders brought up
22 the following topics at the last two workshops held
23 earlier this month:

24 They would like some definitions added
25 concerning specific types of inert debris and whether

1 they should be considered type A or B.

2 The definition of insignificant decomposable as
3 it refers to type A inert debris.

4 The definition of natural occurring rock.

5 And definition of an engineered fill.

6 They would like to know how certain definitions
7 interface with the Water Board, such as the decomposable
8 wood, how that interfaces with the Water Board
9 requirements.

10 And clarifications of how the regulations might
11 affect local approval such as building and planning
12 departments.

13 Staff is analyzing the input and making changes
14 to the proposed regulations. The draft regulations will
15 be brought to the April Board meeting for either
16 approval and notice for the 45 day comment period, to
17 seek more input, and/or to make changes to their draft
18 and to return to the Board at a later date.

19 I am available to respond to any questions, but
20 that does conclude staff's presentation.

21 ACTING BOARD CHAIRMAN MEDINA: Thank you.

22 Board members any questions?

23 BOARD MEMBER ROBERTI: When will the proposed
24 regulations be ready for us then?

25 MS. NAUMAN: We'll be bringing a draft of them

1 to you at the April Board meeting. This is the phase on
2 the disposal. So we'll be reviewing that draft with you
3 as a result of this input, at the same time we'll be
4 discussing the mine reclamation survey information, and
5 then we have a number of options available to you at
6 that time with respect to action on that draft set of
7 regulations.

8 BOARD MEMBER ROBERTI: Have we looked into the
9 question as to the responsibility and whatever costs are
10 attendant to it in the Board making a decision that one
11 of these mine reclamation or landfill sites, whatever
12 you want to call it, is ready for closure? Are there
13 any obligations on us when that site, when completed,
14 when filled, is used for a subsequent purpose such as a
15 golf course or something to that nature?

16 MS. NAUMAN: Senator, you're referring to a
17 facility that is a permitted facility?

18 BOARD MEMBER ROBERTI: No, both. Both.

19 MS. NAUMAN: We do have a role to play in the
20 post closure land use, so when a facility is, a
21 permitted facility is closed, whether it be a landfill
22 or any of the other facilities that we do play a role.

23 BOARD MEMBER ROBERTI: Well these facilities I
24 take it are not permitted at the moment?

25 BOARD MEMBER JONES: Like an inert site,

1 Senator, or a C&D site?

2 BOARD MEMBER ROBERTI: Like both, a C&D site
3 and an inert site. Some C&Ds are permitted, inerts are
4 not, am I right?

5 MS. NAUMAN: Again, it depends on your
6 definitions. I don't mean to be evasive, I think -- Mr.
7 Jones, did you --

8 BOARD MEMBER JONES: No, go ahead. I just
9 think there is a role in one and not one in the other.

10 MS. NAUMAN: Yeah, I think where the facility
11 is permitted we clearly have a role. We do not have a
12 role in the informal advise and counsel type role.

13 BOARD MEMBER ROBERTI: If we assume that we
14 broadened our definition to put those things within the
15 power of our permit, then we would also piggyback our
16 role as to our responsibility on closure.

17 MS. NAUMAN: That would be correct. So
18 depending what types of facilities or operations fall
19 within the new definitions in the proposed regulations,
20 that would involve the necessity of securing a permit
21 from this Board. Then with that permit goes the whole
22 range of obligations and responsibilities.

23 BOARD MEMBER ROBERTI: Yes. The reason why I
24 raised the question is that in some past hearings there
25 have been arguments that we should not interject

1 ourselves because there are no costs to this Board in
2 terms of the actual operational costs or in terms of our
3 responsibility. And the argument response has been that
4 we do have costs as far as closure is concerned. But
5 you're saying we only have those costs if we assume that
6 responsibility?

7 MS. NAUMAN: I believe that that's correct.
8 I'm not following those earlier discussions of costs.

9 BOARD MEMBER ROBERTI: It was about three years
10 ago when we were actually discussing, assuming the whole
11 issue of mine reclamation and the C&D landfill were
12 interrelated.

13 MS. NAUMAN: What really is driving us
14 fundamentally in this package is our obligation to
15 protect public health and safety and the environment.
16 So we're looking at the nature of these operations and
17 trying to apply that to it in order to determine the
18 appropriate regulations.

19 BOARD MEMBER ROBERTI: I understand that. But
20 the argument has been raised, and I think to some
21 extent, to some large extent about three years ago, as
22 to what the costs to this Board were. And I would, I
23 would advise staff to maybe look at the past minutes.
24 And maybe I'm wrong, but I tend to think that the whole
25 issue of cost to the Board, if we assume jurisdiction in

1 an area, we will be assuming some fee structure and --

2 MS. NAUMAN: If we're talking about the fee
3 issue and wondering whether there's a cost to us by
4 virtue of lost revenues, because the non-permitted
5 facilities obviously are not paying the 1.34 fee.

6 BOARD MEMBER ROBERTI: Right. Of course, their
7 argument is they shouldn't have to pay the \$1.34 fee
8 because we don't do anything for them.

9 MS. NAUMAN: I do recall that part of argument,
10 Senator, yes.

11 BOARD MEMBER ROBERTI: Okay. I didn't phrase
12 it the right way, I came at it the wrong way.

13 MS. NAUMAN: Right. But the whole issue of fee
14 and how it applies and where it should apply was a major
15 point of controversy three years ago, two and a half
16 years ago when staff brought what had been a completed
17 package before you, and there were arguments made about
18 the impact on diversion, if the facility was permitted
19 or not permitted, as well as controversy over the issue
20 of the fee. So that's, I think that probably is where
21 this cost to the Board argument originated.

22 BOARD MEMBER ROBERTI: Well I guess, I guess
23 when you examine the stakeholders' arguments in the
24 process of that examination, coming up with regulations,
25 you sort of give us a little sketch as to what quote

1 "costs" unquote there are to the Board, what added
2 responsibilities, if any, we will have to add if we
3 engage in permits in this area would be helpful.

4 MS. NAUMAN: Definitely. And we do, and TJ is
5 here and I won't put her on the spot unless she wants to
6 offer up. But we have done some calculations. We know,
7 for instance, the facilities that have not been
8 permitted and what that lost revenue is to the Board.
9 And we know there's legislation that continues to have
10 the sense of, I don't know if I'm forgetting the number,
11 512, I'm forgetting the number, that in essence is a
12 reprieve on paying the fee until we adopt this
13 regulation package and the Board makes the policy
14 determination whether they're in or out.

15 So we do have those numbers and certainly will
16 make that part of the presentation in April.

17 BOARD MEMBER ROBERTI: Thank you very much.

18 BOARD MEMBER JONES: Mr. Medina.

19 ACTING BOARD CHAIRMAN MEDINA: Yes.

20 BOARD MEMBER JONES: Just to follow up on the
21 Senator's question in regards to what's probably
22 engendering most of the discussion.

23 I'm a little nervous when I hear that they want
24 to know there's a need for definitions that explain what
25 insignificant decomposition is. Because I think

1 decomposition is decomposition. I mean I don't know
2 which one is insignificant and which one isn't.

3 But part of the issue, and it goes to what the
4 Senator was talking about, is that this discussion has
5 gone, gotten around to the point where we're actually
6 talking about definitions of what goes into a particular
7 type of site and what can go into another type of site.

8 And when we talk about inert A, inert inert
9 into a mine reclamation project, we're talking about the
10 absence of organics. And therefore, really your closure
11 becomes the day that you start putting it in place
12 because there's nothing there that could leak that would
13 create a water problem.

14 And so when I hear the term insignificant
15 decomposition, then I need to know if that is going to
16 be attached within the breadth of the inert A material
17 which means all of the sudden it's not inert. Because
18 it would have an organic fraction to it. And those were
19 where we talked about in the C&D regs.

20 And I think one of the problems has been that
21 the Water Board had always allowed ten percent, up to
22 ten percent, I don't know what the right word would be,
23 other unsuit -- materials that may not exactly be what
24 they're originally looking for. It could be ten percent
25 of garbage actually could go into a C&D site, because

1 all the Water Board had ever said was that it couldn't
2 exceed ten percent.

3 So if you have a site that's taking in five
4 thousand tons a day of inert, they can take in five
5 hundred tons of garbage. That creates a problem from a
6 leaching standpoint.

7 And one of the discussions I think had been
8 with the Water Board is if it's inert A it can't have
9 any variation, you know, there can't be any other
10 residual other than that and, there is no cost to close
11 those sites, they just become under SMARA or some other
12 land use, land reclamation project.

13 But, Mary, I'd be interested as to the context
14 of definitions that seek, you know, specificity on any
15 of that list that you have.

16 But the one that really scares me is this
17 insignificant decomposition, unless you're talking about
18 limestone.

19 So, cause clearly that, that, that's not what
20 the intent of the Board's discussions have been. It's
21 been to sort of minimize any risk at all of
22 environmental degradation at an inert site; therefore,
23 less regs, less problems, less closure. So that's
24 pretty key.

25 MS. MADISON-JOHNSON: Mr. Jones, we could

1 address that at the April Board meeting or I could kind
2 of give you that indication right now where we have that
3 wording.

4 BOARD MEMBER JONES: Whatever works for you is
5 fine with me. And just take your time and figure out
6 what it means.

7 Because I can see how these dots are getting
8 connected, and I'm a little nervous that our inerts are
9 going to become C&D all over again.

10 MS. MADISON-JOHNSON: Since I'm not really the
11 person doing the regulations, I guess I had better delay
12 that response until the April Board meeting so that I
13 get it correct.

14 BOARD MEMBER JONES: Thanks.

15 ACTING BOARD CHAIRMAN MEDINA: Thank you, Board
16 Member Jones.

17 And at this time our court reporter needs to
18 take a break. So if there's any public testimony on
19 this item, we will take it after the break.

20 Thank you.

21 (Thereupon there was a brief recess.)

22 ACTING BOARD CHAIRMAN MEDINA: I'd like to call
23 the meeting back to order. And before we return to the
24 previous item to see if there are any speakers in regard
25 to that item, I do have an announcement to make.

1 And that's that Lindsay was born at 6:00
2 o'clock this morning, weighed 5 pounds 13 ounces. The
3 mother, the baby, and the grandmother are happy,
4 healthy, and doing well.

5 And with that, were there any speakers on the
6 last item?

7 If not, we'll move onto the next item.

8 Can you call the next item, please?

9 Oh, ex-parte, Board members.

10 BOARD MEMBER JONES: No.

11 ACTING BOARD CHAIRMAN MEDINA: Okay. Since
12 there are no speakers on the last item I do have another
13 announcement to make. And that's that item 25 was
14 inadvertently placed on the list of items to be pulled,
15 and this item will be placed back on the agenda for
16 tomorrow's meeting, Wednesday, March the 13th.

17 Would you like me to go ahead?

18 ACTING BOARD CHAIRMAN MEDINA: Yes, please.

19 MS. WOHL: Patty Wohl with Waste Prevention
20 and Market Development Division.

21 The first item is agenda item eight,
22 consideration of approval of a rigid plastic packaging
23 container compliance certification for compliance year
24 2001.

25 And Bill Orr will present this item and agenda

1 item nine.

2 MR. ORR: Good morning, Mr. Chair and Board
3 members.

4 This item presents several options for
5 conducting the 2001 rigid plastic packaging container
6 product and container manufacturer versions.

7 The rigid plastic packaging container RPPC law
8 allows the Board to initiate a process for product
9 manufacturers to certify compliance with the law for the
10 years in which the annual recycling rates for RPPCs are
11 less than the minimums set by law.

12 The Board, at its July, 2001 meeting, adopted
13 the staff determination that the 2001 all container and
14 PET rates were below the statutory minimums of 25 and 55
15 percent respectively.

16 In addition, based on data from the Department
17 of Conservation and the Department of Finance, staff has
18 determined that the number of single family households
19 served by curbside recycling greatly exceeds the 60
20 percent threshold specified in the RPPC law.

21 Staff have developed four options for the Board
22 to consider in moving ahead with the certification for
23 this year, 2001.

24 To briefly review the options. The first
25 option would be to clean up and level the playing

1 field. It would include approximately 75 product and
2 container manufacturers, require them to certify as to
3 whether they were in compliance for 2001.

4 About half of these companies would be deferred
5 from the '97 through '99 joint certification cycle
6 because of corporate mergers, acquisitions, and
7 spin-offs.

8 These corporate restructuring activities have
9 created problems in the operating records for '97
10 through 2000, and were not available to the company for
11 which the certification was requested.

12 In addition, a number of competitive,
13 competitors' manufacturers in previous cycles would be
14 included to ensure equity in the marketplace.

15 The second option would be to broadly sample
16 businesses, similar to the initial certification that
17 the Board did back in 1996.

18 The third option would be to do a targeted
19 industry sector certification, not previously certified
20 during the previous sectors.

21 Staff is currently researching several
22 industries, including veterinary supplies, specialty and
23 intermediary chemical manufacturers, for possible
24 inclusion if this option were adopted by the Board.

25 Another area the staff has considered for

1 certification is in-house brands of retail
2 establishments.

3 The fourth option, which was added subsequent
4 to the initial publication of the agenda packet, would
5 be to actually skip the certification for 2001.

6 The RPPC law grants the Board broad discretion
7 as to whether or not to seek compliance certifications
8 and what process to use for selecting the companies to
9 demonstrate compliance.

10 The law requires that all manufacturers be in
11 compliance with the law, but the manufacturers only have
12 to demonstrate the compliance when it's specifically
13 requested by the Board.

14 This last option provides advantages in that
15 currently we're engaged in several different
16 certification cycles all at the same time.

17 The next item will be presenting compliance
18 certifications from the 1997 through '99 certification,
19 and we have already initiated the 2000 certifications,
20 and those are actually due back to the Board already.

21 The current overlapping certifications create
22 an extreme workload for staff and have also become very
23 confusing to the regulated companies.

24 By skipping a 2001 certification, it would
25 allow staff to catch up with the current two

1 certification cycles that are already underway, and it
2 would also basically allow for future certification
3 cycles to be completed within one certification year as
4 opposed to being stretched out over a number of years
5 like the current certifications have been given the
6 number of compliance agreements.

7 So basically what the staff recommendation
8 would be is a two-fold recommendation.

9 The first is if the Board would support
10 skipping the 2001 certification, and that would be our
11 recommendation.

12 In the event that the Board is not comfortable
13 with skipping a year, then our recommendation would be
14 option one which would be the cleanup of the previous
15 cycles and the leveling of the playing field.

16 If there are any questions, I'd be glad to
17 answer them at this time.

18 BOARD MEMBER MEDINA: Any questions Board
19 members?

20 BOARD MEMBER JONES: Just one quick one. If,
21 in adopting option one, that's the resolution that shows
22 that the statewide recycling rate's at 23.8?

23 MR. ORR: Right.

24 BOARD MEMBER JONES: And that will put into
25 motion then and people will understand that? I mean

1 this is where we finally make that change to go forward.

2 MR. ORR: Right. Right. This is, actually the
3 2000 certification basically used the 2000 rate. This
4 2001 certification would be using the 2000 rate for this
5 compliance cycle, and this would be the first time that
6 we would be doing that.

7 BOARD MEMBER JONES: Correct. I would have no
8 problem personally adopting the resolution for option
9 one.

10 MR. ORR: Are you wanting us to do option one
11 or to skip a cycle?

12 BOARD MEMBER JONES: Your option one.

13 MR. ORR: This would be a revised one to skip a
14 cycle for 2001, that would be option four.

15 BOARD MEMBER JONES: What is this resolution?

16 MR. ORR: This was before it was published.
17 Okay.

18 BOARD MEMBER JONES: Is this resolution --

19 MR. ORR: This is option one, the current
20 resolution.

21 BOARD MEMBER MEDINA: We will now be moving
22 this resolution until tomorrow.

23 MR. ORR: Right.

24 MS. WOHL: Okay. So we'll put option one, this
25 resolution as written on consent for tomorrow?

1 BOARD MEMBER MEDINA: Yes.

2 MS. WOHL: Okay.

3 BOARD MEMBER MEDINA: Are there -- yes, Mr.
4 Leary.

5 EXECUTIVE DIRECTOR LEARY: Given that
6 direction, without any further objections or questions,
7 I'll put this agenda item, this Resolution 2002-129 as
8 originally written, move it for consent, for the consent
9 calendar tomorrow.

10 BOARD MEMBER MEDINA: Thank you. Were there
11 any speakers on this item?

12 If not, we'll move on.

13 MR. ORR: Item number nine presents the results
14 of our next grouping of the compliance agreements for
15 the 1997 through '99 certification.

16 The first week in February, sixteen companies
17 received letters with offers to enter into compliance
18 agreements. Since the item was originally prepared, we
19 have updated numbers and companies that I want to make
20 sure enter into the record.

21 Of the sixteen companies that were originally
22 sent letters:

23 Two companies are being proposed to be rolled
24 over into the next certification cycle because there
25 have been changes in addresses or company structure, and

1 it hasn't been possible to really resolve this
2 certification status.

3 Three companies have demonstrated that they are
4 already in compliance with the certification
5 requirements.

6 And so that leaves eleven companies for which
7 we're bringing forward compliance agreements.

8 And so staff recommendation would be option one
9 which would include:

10 Resolution 2002-130 and a compliance agreement
11 for Auto Zone;

12 Resolution 2002-131 and the compliance
13 agreement for Fitzgerald's Restoration Products,
14 Incorporated;

15 Resolution 2002-133, a compliance agreement for
16 Home Depot, Incorporated;

17 Resolution 2002-135, a compliance agreement for
18 Janitor's Warehouse;

19 Resolution 2002-136, and compliance agreement
20 for Makita -- excuse me, U.S.A., Incorporated;

21 Resolution number 2002-137, and compliance
22 agreement for Maguiar's, that's M-A-G-U-I-A-R,
23 Incorporated;

24 Resolution 2002-138, compliance agreement for
25 Network Services Company;

1 Resolution 2002-140, compliance agreement for
2 Standardized Sanitation Systems, Incorporated;

3 Resolution 2002-142, compliance agreement for
4 True Value Manufacturing Company;

5 Resolution 2002-143, compliance agreement for
6 Kmart Corporation;

7 And finally, Resolution 2002-145, compliance
8 agreement for Zinsser LP.

9 Are there any questions?

10 BOARD MEMBER MEDINA: Any speakers on this
11 item?

12 If not --

13 EXECUTIVE DIRECTOR LEARY: Without further
14 objections, I will put agenda item nine and all the
15 associated resolutions proposed for consent calendar
16 tomorrow.

17 BOARD MEMBER MEDINA: Very good.

18 MS. WOHL: Okay. Agenda item ten,
19 consideration of approval of contractor for loan
20 servicing for the recycling market development revolving
21 loan program, fiscal year 2001-2002, contract concept
22 number 32.

23 And Jim La Tanner will present.

24 BOARD MEMBER MEDINA: Thank you. Before Mr. La
25 Tanner goes on, it's my intention to go on through item

1 number 16 today before we break for the day, so just to
2 give you notice that we're going to go through item 16.

3 MR. LA TANNER: Good morning, Jim La Tanner
4 with the recycling market development revolving loan
5 program.

6 Agenda item ten presents for consideration of
7 approval of contractor for loan servicing for the
8 recycling market development loan program for fiscal
9 year 2001-2002, contract concept 32.

10 We went out on the IFB, invitation for bid
11 process. We received two bids from companies proposing
12 to service the RMDZ loan portfolio.

13 On March 7th we did a public bid opening.

14 Under the RFP process, the bid was awarded to
15 the lowest price and most qualified contractor. The
16 winning bid this year will go to J.P. Morgan Chase Bank.

17 The other bidder was American River Bank.
18 Their bid came in less.

19 On Friday the 8th we called four of their
20 references and got favorable responses back. J.P.
21 Morgan Chase Bank is located in New York, but will
22 manage the contract with its subsidiary Colson Services
23 Corporation in San Francisco. J.P. Morgan acquired
24 Colson in February, 2001, just over a year ago, to offer
25 a complete range of loan product knowledge and

1 experience, as well as a comprehensive delivery network
2 to its clients.

3 Colson was originally formed in 1986 having
4 bought two other companies.

5 Colson was really formed when there were a
6 number of failing financial institutions and savings and
7 loans. They were formed to take over the SBA servicing
8 for those banks that then reverted to the FDIC.

9 One of the advantages of this company is that
10 all reports are available in realtime on on-line
11 Internet using a user name and a password code.
12 Borrowers can make their payments through Wells Fargo
13 Bank over to Colson, and the following hour we can go
14 on-line and basically know if they paid or not.

15 Based on the IFB process, staff would recommend
16 that the Board adopt Resolution 2002-124 to award the
17 contract for loan servicing to J.P. Morgan Chase Bank in
18 the revised amount of 183,740.

19 The bid went out at maximum 200,000, and their
20 bid came in for 183,740.

21 BOARD MEMBER MEDINA: Thank you.

22 Are there any questions?

23 Senator Roberti.

24 BOARD MEMBER ROBERTI: Yes. I have stock in
25 J.P. Morgan Chase, so I want counsel to check this out

1 before --

2 LEGAL COUNSEL TOBIAS: We'll be checking this
3 before the vote tomorrow.

4 BOARD MEMBER ROBERTI: -- before I
5 participate. I don't want to be here if you're going to
6 make a motion.

7 EXECUTIVE DIRECTOR LEARY: Well I'm not making
8 any motions, I'm simply proposing --

9 BOARD MEMBER ROBERTI: Well I'm going to leave
10 the room. I'm going to leave the room.

11 EXECUTIVE DIRECTOR LEARY: Okay.

12 BOARD MEMBER MEDINA: Thank you for that
13 disclosure, Senator. We'll wait until you're out of
14 earshot.

15 With the Senator recusing himself, we will not
16 have four people to constitute a quorum on this item
17 tomorrow.

18 LEGAL COUNSEL TOBIAS: Well, we'll check and
19 see if there is, in fact, a conflict. It probably is
20 since it's a contract, so let me check.

21 Why don't you go ahead and move it till
22 tomorrow, we'll check on it, and it may have to be
23 pulled until you have four votes.

24 MR. LA TANNER: If I may add one comment,
25 before the item is set to be re-presented at the April

1 Board meeting, the existing contract with American River
2 Bank does expire on May 15th, and cannot extend it
3 because we've already augmented it once.

4 LEGAL COUNSEL TOBIAS: Well, the Board may have
5 to have a special Board meeting on that because they
6 need four votes.

7 BOARD MEMBER MEDINA: This item will be moved
8 to tomorrow.

9 EXECUTIVE DIRECTOR LEARY: I will, with no
10 objections from the two members present, I will propose
11 we move this to the consent calendar for consideration
12 tomorrow.

13 BOARD MEMBER MEDINA: Thank you, Mr. Leary.
14 Any objections, Mr. Jones?

15 MS. WOHL: Okay. Is the Senator back? Agenda
16 item 11. Before I introduce that I'd like to just give
17 a report.

18 For fiscal year 2001-2002 --

19 ACTING BOARD CHAIRMAN MEDINA: If you'd hold on
20 just a second, the Senator is on his way back.

21 (Thereupon there was a discussion off the
22 record.)

23 MS. WOHL: For fiscal year 2001-2002 the
24 recycling market development revolving loan program is
25 budgeted to fund \$10 million in new loans. On the tire

1 fund budget it's budgeted to fund \$2 million in new
2 loans.

3 To date this year the Board has approved seven
4 RMDZ loans for a total of \$1,902,978, with \$8,097,022
5 available for future loans.

6 The Board has approved three loans using tire
7 fund money for a total of \$2 million, fully utilizing
8 the fire fund money for this fiscal year.

9 Today the Board will consider one loan in the
10 amount of 462,000. If this loan is approved, there will
11 remain \$7,635,022 in the RMDZ loan fund.

12 Agenda item 11 is consideration of the
13 recycling market development revolving loan program
14 application for Wax Box Firelog Corporation.

15 And Jim La Tanner will present.

16 MR. LA TANNER: Agenda item 11, Wax Box Firelog
17 Corporation is requesting a loan for 462,000. This was
18 revised from the original agenda item, having decreased
19 it by staff's analysis.

20 The loan request would fund the purchase of
21 equipment, new and used, from 480,950, and working
22 capital of \$53,050.

23 Under the Board's 2001 eligibility grant
24 criteria, this qualifies as a transformation project.

25 The feedstock company will use its wax produce

1 boxes obtained from various sources, primarily grocery
2 stores in the greater Chico area, and they will make
3 firelogs out of those boxes.

4 Another piece of equipment will be the wrapper
5 that goes around the Firelog using recycled paper.

6 This process has been in development for five
7 years out of a company that purchased the equipment from
8 up in Redding.

9 The end users, the firelogs are sold back to
10 those grocery store chains for retail use.

11 As a result of this, the diversion is estimated
12 to have increased by 3,000 tons per year, and the
13 company will divert a projected 5,000 tons and add eight
14 jobs.

15 The Permitting and Enforcement Division has
16 reviewed the project and determined that no solid waste
17 permit is required.

18 The loan committee met on March 7th and
19 approved the loan as presented by staff.

20 Staff's recommendation is to approve
21 recommendation 2002-125 to Wax Box Tire Corporation in
22 the amount of 462,000.

23 Any questions?

24 BOARD MEMBER MEDINA: Board members, any
25 questions?

1 Any members of the public wish to speak on this
2 item?

3 If not, Mr. Leary.

4 EXECUTIVE DIRECTOR LEARY: Without any
5 objections, I'll propose item number 11 for the consent
6 calendar to be considered tomorrow.

7 BOARD MEMBER MEDINA: Without objection from
8 the Board members it will be on consent.

9 MS. WOHL: Okay. Agenda item twelve is already
10 on consent, so we'll move to agenda item thirteen,
11 Consideration of approval of the California Department
12 of Food and Agriculture as the contractor for the
13 fertilizer, research, and education program partnership,
14 fiscal year 2001-2002. Contract concept number twenty.
15 And Judy Friedman will present.

16 MS. FRIEDMAN: Good morning, Chairman Medina
17 and Board members. For the record, I'm Judy Friedman
18 with the Organics and Resource Efficiency Branch.

19 This item requests that the Board approve the
20 Department of Food and Agriculture as the contractor for
21 an interagency agreement to implement the fertilizer,
22 research, and education program partnership which is
23 described in item twelve already on consent.

24 As noted for item twelve, CDFA would use these
25 funds to supplement this funding on agricultural

1 nutrient and soil management projects that use urban
2 derived mulch or compost.

3 Board staff would help develop solicitation
4 criteria and proposal evaluation.

5 To date the FREP program has funded 92
6 agricultural research and educational projects since
7 1990. It is well known in the agricultural community
8 and has an effective education outreach component.

9 It has not funded compost projects because the
10 program is funded by a mil tax of commercial fertilizer
11 as opposed to bulk compost, but the program has
12 expressed interest in doing so.

13 The Fertilizer Inspection Advisory Board that
14 advises Food and Agriculture on this program approved
15 the proposed partnership on February 14th.

16 Objectives of the proposed partnership are to
17 develop more science-based information on the use of
18 compost and mulch in agriculture, develop new markets,
19 address cross-media environmental issues and utilize
20 Board resources.

21 Staff recommends that the Board approve option
22 one and adopt Resolution 2002-127.

23 That concludes my presentation.

24 BOARD MEMBER MEDINA: Thank you.

25 BOARD MEMBER JONES: Mr. Medina.

1 BOARD MEMBER MEDINA: Board Member Jones.

2 BOARD MEMBER JONES: I will do this briefly
3 because it's seven minutes to twelve. But I do want to
4 acknowledge both Judy's group and Julie's group, P&E and
5 waste -- or Market Development.

6 Part of the testimony in front of the USDA was
7 a study that our Board did, I think about four years
8 ago, where we used mulch and compost in a field of
9 avocados that had become distressed and were dying. And
10 they actually were dying of the same strain that is
11 what's causing sudden oak death.

12 And it was actually the compost that allowed
13 the root systems to grow back in at a higher level, I
14 mean at a, you know, closer to the ground, and refurbish
15 themselves and became a healthy orchard again, and a
16 productive orchard.

17 That was part of the testimony, thanks to P&E
18 and Waste Prevention, that we were able to offer the
19 USDA as to how our processes could help not only treat
20 but, you know, may be able to treat as a market issue
21 sudden oak death.

22 And I thought it was important to bring it up
23 under this item because CDFA understands that there is
24 value in getting nutrients, natural nutrients back into
25 the ground instead of as opposed to just chemical

1 fertilizers. But that study may have been one of the
2 biggest chips we played in Petaluma that day.

3 So I think that the staff, all the folks that
4 were associated, particularly Waste Prevention -- or
5 Market Development and P&E for putting those pieces
6 together.

7 So with that, I just thought I'd get that on
8 the record.

9 BOARD MEMBER MEDINA: Thank you, Board Member
10 Jones. And commendations to our staff.

11 And with that, Mr. Leary.

12 EXECUTIVE DIRECTOR LEARY: Thank you for the
13 recognition.

14 And with that and without further objection I'd
15 like to propose that we put agenda item thirteen on the
16 consent calendar for consideration tomorrow.

17 BOARD MEMBER MEDINA: Thank you. If there are
18 no objections we'll move it forward.

19 Items fourteen and fifteen have been pulled.

20 So with that we move on to item sixteen, a
21 discussion on pending legislation potentially affecting
22 the programs and policies of the Integrated Waste
23 Management Board.

24 And Carroll Mortensen will make this
25 presentation.

1 MS. MORTENSEN: Good morning, Board members.

2 I'm going to provide a really quick update of about two
3 dozen new bills that have been --

4 BOARD MEMBER MEDINA: Could you speak directly
5 into the microphone, please?

6 Thank you.

7 MS. MORTENSEN: There have been approximately
8 24 new bills introduced before the February 22nd new
9 bill introduction deadline that directly deal with our
10 programs and policies, and I was going to provide a
11 brief update of those. I was going to go through the
12 list, and at the end I was going to go through the two
13 bills dealing with electronic waste SP 1523 and SP 1619,
14 and then end up with the two kind of omnibus bills from
15 Senator Gloria Romero dealing directly with our programs
16 and policies, and those are SB 1526 and SB 1587.

17 As you know, it is likely these bills will be
18 amended several times as they go through the process.
19 And all these bills have been sent out to our program
20 staff and are currently being analyzed for potential
21 effects for our programs and policies.

22 The legislative office will be gathering input
23 from staff of the analysis prepared and for review and
24 approval to the Governor's process for legislative
25 analyses.

1 I'd like to start with the five Waste Board
2 sponsored bills that we are currently working with. The
3 first one which is in print is SB 1970 which is
4 co-authored by Senators Romero and Chesbro, and those
5 deal with expanded compliance options for the rigid
6 plastic packaging container program.

7 We had a lot of good input from our
8 stakeholders at a meeting last Friday on this issue, and
9 the stakeholders looked favorably at finding some easier
10 ways for them to comply with the program but still
11 increase the amount of plastic used in RPPCs and other
12 plastics.

13 Next is establishing a landfill closure loan
14 program as was suggested in the audit report. And we
15 anticipate this language going into Assemblywoman
16 Strom-Martin's bill, AB 467.

17 And this would allow, provide some funding to
18 small, rural, unlined landfills to close early if they
19 so desire.

20 Also, SB 648 we believe would be the vehicle
21 for our state agency Buy Recycled program cleanup.

22 As you know, there's a lot of duplicative text
23 and some old standards that need to be moved, need to be
24 updated, and some code sections moved around, and this
25 will be a joint proposal between us and the Department

1 of General Services.

2 Also, we have a leg proposal in spot form in AB
3 2770 dealing with energy generation from municipal
4 residuals.

5 And just this past Friday we had a meeting with
6 stakeholders representing both environmental groups and
7 local governments as well as the folks who are proposing
8 this technology, and we're working on coming up with
9 some census language for that bill.

10 And also in April the Board will be hearing an
11 item dealing with some policy direction on this.

12 The last one is a committee bill, Assembly
13 Natural Resources. It has not yet been introduced,
14 dealing with the cost recovery lien which would allow
15 the IWMB to place a lien on property which has been
16 cleaned up through the solid waste and tire programs.
17 So that should help us with cost recovery in those
18 actions.

19 Now onto the other legislation that we've
20 identified dealing with our programs. The first one is
21 AB 1952 by Assemblymember Bogh which proposes to change
22 some definition, the definition of transformation as
23 well as biomass conversion; and would also remove the
24 ten percent limit that transformation is currently, is
25 currently available to local jurisdictions and take

1 advantage of for their diversion credit. So we're
2 watching that one closely.

3 Also AB 2312 which is offered by Assemblywoman
4 Chu which would establish an environmental grant program
5 in Cal EPA, in the California Environmental Protection
6 Agency, using funds from violations of environmental
7 justice law and regulations, and would provide those
8 funds back to grassroots organizations to defer their
9 environmental justice efforts.

10 Also one we're watching very closely is a spot
11 bill introduced by Assemblymember Keeley, AB 2356 which
12 we believe will be the vehicle for any compost standards
13 dealing with Clopyralid.

14 Also Assembly Bill number 2474, that's
15 co-authored by Members Simitian and Chan. And this is
16 the bill that would add, would require a bittering agent
17 be added to antifreeze sold in California, and would
18 help prevent a lot of poisonings to children and
19 animals.

20 Also, AB 2683 authored by Assemblywoman Pavley
21 which deals with the reorganization of the California
22 Environmental Protection Agency. We're watching this
23 one closely.

24 It has, currently right now it's a lot of what,
25 how Cal EPA is set up in the Government Code, and this

1 is proposing to move it into the Public Resources Code.

2 And we're watching that closely.

3 We also believe that this will be the vehicle
4 that agency uses to delete and update any annual report
5 requirements for all the BDO's that need to be updated.

6 On the Senate side, Senator Chesbro introduced
7 SB 1328 dealing with our farm and ranch cleanup program.
8 And the bill proposes to add Native American tribes to
9 the list of eligible applicants as well as increase the
10 grant amounts that folks would be eligible for.

11 These were both recommendations out of a report
12 that Permitting and Enforcement Division did about a
13 year or so ago as things that would help increase
14 participation in the program.

15 We're also watching SB 1346 authored by Senator
16 Kuehl dealing with use of rubberized asphalt concrete.
17 And would provide for a grant program within Waste
18 Management Board's five year tire plan that would
19 provide grants to cities and counties for partial
20 funding of public works projects using RAC.

21 We're also watching Senate Bill SB 1347, also
22 by Senator Kuehl, that would require the Board to adopt
23 a model ordinance for construction and demolition
24 recycling, and would require local governments to do the
25 same. And if they didn't adopt their own ordinance,

1 that by default they would be required to adopt the
2 Board's ordinance.

3 And Mr. Leary mentioned this morning, SB 1393
4 by Senator Romero dealing with wood waste treated with
5 arsenic, I can't say the acronym to save my life. So
6 that would require, all CCA wood would be required to be
7 disposed of in a hazardous waste landfill; and would
8 also require state and a, state or local government
9 playgrounds using CCA wood to make sure that they keep
10 those sealed; and would ban the sale and use of that
11 product in California in 2003.

12 BOARD MEMBER JONES: Question just quick.
13 They're saying to a class one site or even to a class
14 two?

15 MS. MORTENSEN: As currently written, a class
16 one site only.

17 Senate Bill SB 1488 by Senator Polanco would
18 require the Department of Transportation to use crumb
19 rubber in its construction repair road projects. The
20 crumb rubber should be coming from California tires
21 first of all.

22 SB 1542 by Senator Escutia deals with
23 environmental justice and our regulations concerning the
24 siting of solid waste facilities, and would require us
25 as well as local agencies to take into account

1 environmental justice concerns when we develop those
2 regulations.

3 There is SB 1623 that is authored by Senator
4 Romero with a long list of co-authors, including
5 Senators Chesbro and Escutia as well as Strom-Martin and
6 Washington, and it's dealing, it's called the Radiation
7 Safety Act of 2002.

8 And specifically it would require the Board to
9 develop screening and management criteria for local, for
10 local, for landfill operators to use to develop those
11 criteria for screening radioactive waste at landfills to
12 prevent that from being disposed.

13 And we have SB 1882 introduced by Senator
14 Alpert. And it's called the Personal Care Product and
15 Recycling Act, and this has to do with the recycling of
16 diapers. And would require that any funds left over in
17 the bottle bill account would be given to the Board, and
18 we would implement a grant program for local governments
19 to assist in the recycling of those.

20 So we're watching those.

21 Now there's a couple E-waste bills that have
22 been introduced, SB 1523 by Senator Sher and SB 1619 by
23 Senator Romero.

24 And SB 1523 is a much more specific bill
25 dealing with just the management of the cathode ray

1 tubes, and proposes to put a fee, which has not been
2 determined yet, on these when those are sold.

3 Those fees would be set up into an account in
4 our Integrated Waste Management Fund, and we would
5 provide matching grants to locals and non-profits to
6 assist in establishing infrastructure and management for
7 CRTs.

8 It would also require us to set up a recycling
9 incentive program for CRT handlers, as well as establish
10 an advisory committee that would help the Board in
11 making policy decisions concerning the management of
12 CRTs.

13 SB 1619, which is authored by Senator Romero,
14 is a much more broad bill dealing with all types of
15 electronic waste. It would require us to develop a
16 program to recover, reuse, and recycle these hazardous
17 electronic waste.

18 It would require the Department of Toxic
19 Substance Control to approve a label that would go on
20 all of these products that would label them as
21 hazardous.

22 It would also require us to develop a system
23 for certifying manufacturers recovery and recycling
24 programs. And if they didn't set up those programs, in
25 lieu of that they'd have to pay a fee to us depending on

1 the amount of recycling that they do have. And we would
2 use that money to fund the recovery and management
3 programs.

4 The last two bills are both bills authored by
5 Senator Romero, and they're kind of the omnibus bills
6 dealing with our, directly with our programs and
7 policies.

8 The first one is 1526. This one would set
9 forth findings and declarations related to a zero waste
10 goal for the state which has some information from our
11 strategic plan.

12 It would require any local agency that requires
13 businesses or residents to separate green waste or
14 recyclable material from their other refuse, would
15 require the local agencies to let folks know what was
16 happening with that material if it was not being
17 recycled.

18 It would add some requirements for an annual
19 report, including information on market development on a
20 regional and statewide basis; the success of our state
21 agency Buy Recycled campaign; how we are doing with our
22 zero waste goal; as well as landfill demand on a state
23 and regional as well as out of state basis.

24 Also, it would allow us to adjust our fee once
25 every three years to reflect increases or decreases in

1 the consumer price index.

2 And it would put a fee of 80 percent of what
3 the in-state tipping fee would be on all waste
4 transferred out of state. So that's just a brief
5 rundown on 1526.

6 1587 is more on the permitting side of things.
7 Although it starts out with an environmental justice
8 requirement that would prohibit the Board from making
9 any grant or loan to an applicant unless they had an
10 application section addressing all pertinent
11 environmental justice issues. And I think we've been
12 doing that in a lot of our grant criteria at this
13 point.

14 It would require the legislative analyst to
15 conduct a study to determine whether a conflict of
16 interest exists in the local government relative to the
17 operation and oversight facilities permitted by the
18 Board.

19 It would require the Board to include landfill
20 capacity information on a statewide and regional basis,
21 as well as landfill, and a list of landfill facilities
22 that are in violation of minimum standards on our
23 website.

24 It would require the Board, in conjunction with
25 the inspection by the local enforcement agency, to

1 conduct at least one unannounced inspection every
2 eighteen months.

3 It would extend our permit clock, as we call
4 it, from 60 days to 120 days. And we would also, the
5 clock would start with the proposed permit being
6 submitted as part of a complete permit package, and that
7 refers to what a complete permit package is in our
8 regulations.

9 It would authorize to determine, for the Board
10 to determine that a facility's out of compliance with
11 the state minimum standards, if the facility has been
12 out of compliance with those standards for more than
13 thirty days during a 24 month period prior to the Board
14 hearing.

15 Would require the local agency to notify the
16 Board of any solid waste facility that has violated
17 specific state minimum standards within thirty days.

18 And would provide the person's liable for our
19 administrative civil penalties and injunctive relief
20 under certain provisions related to penalties, regarding
21 the current owner or operator of a solid waste facility;
22 any person who was the owner or operator at any time
23 when solid waste was disposed; any persons who disposed
24 or arranged for disposal; or generated, transported, or
25 arranged for the transport of any solid waste disposed

1 at the site.

2 So in a nutshell that's what 1587 does. We'll
3 be giving periodic updates on these at Board meetings,
4 and working on getting analysis completed on these
5 bills.

6 BOARD MEMBER MEDINA: Thank you. You certainly
7 have a lot on your plate, and there's certainly a lot of
8 legislation to be reviewed and considered.

9 Mr. Leary, Board members, any comments?

10 EXECUTIVE DIRECTOR LEARY: I'd just simply like
11 to ask, recognize that our Leg Director, our Acting Leg
12 Director has quite a bit of work to do on this session.
13 We had kind of a respite last session, and we've got a
14 lot of work ahead of us in affecting the legislative
15 process. So we all will be pitching in.

16 And we look forward to your thoughts and
17 concerns on this important legislation as we move
18 forward.

19 And then I'd just like to offer as a reminder
20 that the Board has two tours this afternoon, at 4:00
21 o'clock the Imperial Valley Housing Authority tour, as
22 well as the Alford Distribution tour and reception at
23 5:00.

24 BOARD MEMBER JONES: At 5:00?

25 EXECUTIVE DIRECTOR LEARY: At 5:00.

1 BOARD MEMBER MEDINA: Okay. Thank you very
2 much.

3 And with that, this meeting is adjourned until
4 tomorrow at 9:30.

5 (Thereupon the foregoing was concluded at
6 12:28 p.m.)

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